

Message

---

**From:** Edmondson, Lucy [Edmondson.Lucy@epa.gov]  
**Sent:** 2/8/2019 9:23:48 PM  
**To:** Hladick, Christopher [hladick.christopher@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]  
**Subject:** FW: FYI 401 Cert. COVERAGE

FYI

Lucy Edmondson  
Director, Washington Operations Office  
US EPA Region 10  
300 Desmond Drive  
Lacey, WA 98503

office: 360.753.9082  
cell: 206.735.5301

---

**From:** MacIntyre, Mark  
**Sent:** Friday, February 08, 2019 1:15 PM  
**To:** Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Byrne, Jennifer <Byrne.Jennifer@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>  
**Subject:** RE: FYI 401 Cert. COVERAGE

Columbia Riverkeeper's Press Release:

**FOR IMMEDIATE RELEASE**

**Media Contacts:**

Brett VandenHeuvel, Columbia Riverkeeper, 503.348.2436  
Kari Birdseye, NRDC, 415.875.8243  
Liz Hamilton, Northwest Sportfishing Fishing Industry Association, 503.631.8859

**TRUMP ADMINISTRATION MOVES TO UNDERCUT STATES' RIGHTS TO PROTECT CLEAN WATER**

***Endangered species at risk by revocation of water permits***

**Olympia, WA (February, 8, 2019)**—*The Trump administration and Washington State squared off this week over the U.S. Environmental Protection Agency's (EPA) decision to rollback efforts to tackle pollution from federal dams on the Columbia and Snake rivers. In response, a coalition including American Rivers, Columbia Riverkeeper, the Natural Resources Defense Council, the Northwest Sportfishing Industry Association, Pacific Rivers, and Save Our Wild Salmon issued the following statement.*

"This is Washington D.C. reaching across the map to restrict Washington State's ability to protect its most endangered species," said Giulia Good Stefani, senior attorney with the Natural Resources Defense Council. "We cannot let the Trump administration run over the State of Washington's right to protect its endangered orcas and salmon. We have an urgent temperature crisis on the Columbia and Snake Rivers."

"The Trump Administration's dirty politics have no place in the Pacific Northwest. We applaud Washington State and Governor Inslee for standing strong to protect salmon, and the orcas that depend on salmon, from lethally hot water and oil pollution caused by the federal dams," said Brett VandenHeuvel, Executive Director for Columbia Riverkeeper.

"We have a temperature crisis on the Columbia and Snake rivers, and the need to address the problem is urgent, for salmon, orca and salmon-dependent communities," said Liz Hamilton, Executive Director for the Northwest Sportfishing Industry Association. "Without reducing temperatures in the Columbia there will be less salmon and more starving orca in our future. Our industry has not recovered from the salmon die-offs in 2015, and we cannot survive more in the future."

"We are disappointed by the recent decision from EPA Region 10 to undermine a State-led public process to protect water quality by withdrawing its draft permits regarding the Clean Water Act certification for the Columbia and Snake River dams," said Wendy McDermott, American Rivers' Director of the Puget Sound and Columbia River Basin. "The Washington Department of Ecology has already initiated its public comment period and the EPA should respect this process under the Clean Water Act and allow the public to have a say in the future of the fish, wildlife, and people that rely on the Columbia River."

"River temperatures in the Columbia and Snake rivers are not going to improve without structural and operational changes at mainstem dams," said Greg Haller, Executive Director of Pacific Rivers. "There are options available that will help salmon and steelhead in a warming climate. Federal dams, like privately-owned dams, need to comply with the Clean Water Act and state water quality standards."

###

## Background

Last week Washington State announced plans to initiate state regulation that would require the federal government to address oil pollution and salmon-killing hot water in the Columbia and Snake rivers. Fewer than 48 hours after Washington State opened a public input process, the Trump administration pulled the rug out from under the State. The administration withdrew its original request for Clean Water Act certification from the State.

Late in 2018, the Trump administration sent Washington State draft pollution permits for nine federally owned and operated dams located in Washington State. The water pollution permits triggered Washington State's right to enforce the state's water quality standards, including for oil pollution and temperature.

As reported in the Seattle Times, on January 30, 2019, Washington State initiated a public comment process on draft water pollution permits for nine federal dams located on the Columbia and Snake Rivers.

On February 1, 2019, EPA wrote to the State to announce its withdrawal of the draft water pollution permits that were under review. The request also included the unusual ask that all documents related to the draft permits be returned to the federal government.

In an emailed statement to the Seattle Times, Governor Inslee's Office stated: "[T]he governor is fully committed to partnering with Ecology to ensure both federal and state clean water standards are upheld and enforced . . . . The Trump Administration must do its part to protect our state's salmon and waters."

The nine federal dams create large reservoirs of slow-moving water that frequently get too hot for salmon to survive. According to the Fish Passage Center, an independent federal agency, the "long-recognized and largely unaddressed problem of high water temperatures" in the Columbia and Snake Rivers is "an ever-increasing threat to the survival of salmon." When river temperatures exceed 68F for several days at a time—as happens with increasing frequency—salmon have difficulty migrating upstream and begin succumbing to stress and disease. The dangerous impact of the dams is only exacerbated by climate change.

Columbia and Snake River salmon are critical for local economies, communities, recreational and commercial fishermen, and a large number of species whose life cycles depend on salmon. The highly endangered Southern Resident orcas depend on Columbia Basin spring Chinook as a major source of food. These fish sustain them through the winter months and feed nursing orca mothers and their calves during a particularly critical time in their life-cycle.

In 2014, Columbia Riverkeeper settled a lawsuit against the U.S. Army Corps of Engineers to stop oil pollution from eight dams on the Columbia and Snake Rivers, including Bonneville, John Day, The Dalles, and McNary, Ice Harbor, Lower Monumental, Little Goose, and Lower Granite. In 2016 Riverkeeper settled a similar lawsuit against the U.S. Bureau of Reclamation for unauthorized oil pollution at Grand Coulee Dam. The settlements required the Army Corps and Bureau to apply for water pollution permits from the EPA. The permits would require the Corps to monitor

and reduce oil and other water pollution from the dams. To date, the federal government has not taken action to address temperature and reduce oil pollution at the dams.

The Trump administration planned to issue pollution permits this year, but it halted the permitting process on February 1 following Washington State's announcement that it would exercise its authority to require the federal government to address temperature and oil pollution at the dams.

—  
Liz Terhaar | Communications Director | [Columbia Riverkeeper](#) | 407 Portway Avenue, Suite 301, Hood River, OR 97031 | 503.784.5324 direct; 541.387.3030 office

---

**From:** MacIntyre, Mark

**Sent:** Friday, February 8, 2019 1:11 PM

**To:** R10 Press Team <[R10\\_Press\\_Team@epa.gov](mailto:R10_Press_Team@epa.gov)>; Opalski, Dan <[Opalski.Dan@epa.gov](mailto:Opalski.Dan@epa.gov)>; Chung, Angela <[Chung.Angela@epa.gov](mailto:Chung.Angela@epa.gov)>; Lidgard, Michael <[Lidgard.Michael@epa.gov](mailto:Lidgard.Michael@epa.gov)>; Wu, Jennifer <[Wu.Jennifer@epa.gov](mailto:Wu.Jennifer@epa.gov)>; Steiner-Riley, Cara <[Steiner-Riley.Cara@epa.gov](mailto:Steiner-Riley.Cara@epa.gov)>; Byrne, Jennifer <[Byrne.Jennifer@epa.gov](mailto:Byrne.Jennifer@epa.gov)>; Soscia, Mary Lou <[Soscia.Marylou@epa.gov](mailto:Soscia.Marylou@epa.gov)>; Barber, Anthony <[Barber.Anthony@epa.gov](mailto:Barber.Anthony@epa.gov)>; Edmondson, Lucy <[Edmondson.Lucy@epa.gov](mailto:Edmondson.Lucy@epa.gov)>

**Subject:** FYI 401 Cert. COVERAGE

---

**From:** Google Alerts <[googlealerts-noreply@google.com](mailto:googlealerts-noreply@google.com)>

**Sent:** Friday, February 8, 2019 1:00 PM

**To:** MacIntyre, Mark <[Macintyre.Mark@epa.gov](mailto:Macintyre.Mark@epa.gov)>

**Subject:** Google Alert - Mark MacIntyre EPA



## Mark MacIntyre EPA

Daily update · February 8, 2019

### NEWS

#### Federal, Washington Officials Spar Over Water Quality Regulations At Dams

OPB News

But the U.S. **Environmental Protection Agency** is putting a stop to those ... In an emailed statement, **EPA** spokesman **Mark MacIntyre** said the federal ...

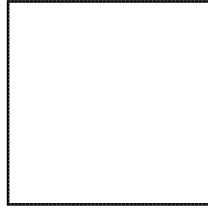


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**From:** MacIntyre, Mark [Macintyre.Mark@epa.gov]  
**Sent:** 2/8/2019 9:23:05 PM  
**To:** Hladick, Christopher [hladick.christopher@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]  
**CC:** Holsman, Marianne [Holsman.Marianne@epa.gov]  
**Subject:** 401 Cert. Coverage & Columbia Riverkeeper PR

## Federal, Washington Officials Spar Over Water Quality Regulations At Dams

OPB News

But the U.S. **Environmental Protection Agency** is putting a stop to those ... In an emailed statement, **EPA** spokesman **Mark MacIntyre** said the federal ...

### FOR IMMEDIATE RELEASE

#### Media Contacts:

Brett VandenHeuvel, Columbia Riverkeeper, 503.348.2436

Kari Birdseye, NRDC, 415.875.8243

Liz Hamilton, Northwest Sportfishing Fishing Industry Association, 503.631.8859

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#### *Endangered species at risk by revocation of water permits*

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"We have a temperature crisis on the Columbia and Snake rivers, and the need to address the problem is urgent, for salmon, orca and salmon-dependent communities," said Liz Hamilton, Executive Director for the Northwest Sportfishing Industry Association. "Without reducing temperatures in the Columbia there will be less salmon and more starving orca in our future. Our industry has not recovered from the salmon die-offs in 2015, and we cannot survive more in the future."

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The Trump administration planned to issue pollution permits this year, but it halted the permitting process on February 1 following Washington State's announcement that it would exercise its authority to require the federal government to address temperature and oil pollution at the dams.

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Liz Terhaar | Communications Director | Columbia Riverkeeper | 407 Portway Avenue, Suite 301, Hood River, OR 97031 | 503.784.5324 direct; 541.387.3030 office

Senior Public Information Officer  
U.S. EPA Region 10  
1200 Sixth Ave. Suite 155 MS - RAD 12-3  
Seattle, WA 98101  
Desk: 206.553.7302  
Mobile: 206.369.7999

**From:** Dunbar, Bill [dunbar.bill@epa.gov]  
**Sent:** 2/8/2019 1:24:45 AM  
**To:** Holsman, Marianne [Holsman.Marianne@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]  
**CC:** R10 Press Team [R10\_Press\_Team@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]  
**Subject:** Incoming Media Congressional Inquiries & Selected News Clips (02/7/18)

### **Incoming Media Congressional Inquiries & Selected News Clips (02/7/18)**

#### **CONGRESSIONAL/LOCAL GOVERNMENT CONTACTS/INQUIRIES**

- NONE

#### **MEDIA INQUIRIES**

- **Oregon Public Broadcasting/Courtney Flatt:** “ I’m looking into the EPA’s recent withdrawal its 401 certification request from the Washington Department of Ecology. Would anyone at EPA be able to speak to me about this? I’m curious about the reasons for withdrawal and what this means going forward, etc.”
  - Mark MacIntyre sent the following approved statement: **“EPA has determined that the preliminary draft permits for which we had requested water quality certification need additional internal review. Therefore, we have withdrawn our requests for water quality certification at this time. We fully intend to reinitiate our requests for water quality certification after we have completed our internal review and updated the preliminary draft permits, as appropriate.” – CLOSED**

#### **REGIONAL NEWS CLIPS**

- Alaska House deadlock continues, but ‘Group of Eight’ offers possible fix – ADN
- EPA ices Washington state’s effort to regulate hot water in Columbia, Snake rivers -- Seattle Times
- Cruise lines have a solution for a new clean fuel regulation. But is it the greenest option? - Magic Valley News

#### **NATIONAL NEWS CLIPS**

- Murkowski looks to clinch agreement on lands package – E&E
- DOE rolls back Obama-era lightbulb standards – E&E
- Agri-Pulse: EPA pushing water quality trading to address nutrients
- Reuters: EPA wins new chance to argue against pesticide ban
- Newsday: EPA leader calls water contaminants a challenge 'of our generation'

#### **Murkowski looks to clinch agreement on lands package**



Published: Thursday, February 7, 2019

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# Ex. 4 Copyright

**DOE rolls back Obama-era lightbulb standards**

Christa Marshall, E&E News reporter

Published: Wednesday, February 6, 2019

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# Ex. 4 Copyright

**Agri-Pulse: EPA pushing water quality trading to address nutrients**

<https://www.agri-pulse.com/articles/11880-epa-pushes-water-quality-trading-to-address-nutrients>

02/06/19 4:50 PM By Steve Davies

# Ex. 4 Copyright

# Ex. 4 Copyright

# Ex. 4 Copyright

**Reuters: EPA wins new chance to argue against pesticide ban**

<https://www.reuters.com/article/us-usa-epa-pesticide/epa-wins-new-chance-to-argue-against-pesticide-ban-idUSKCN1PW20B>

Jonathan Stempel, 2/7/19

# Ex. 4 Copyright

# Ex. 4 Copyright

**Newsday: EPA leader calls water contaminants a challenge 'of our generation'**

<https://www.newsday.com/long-island/water/epa-director-emerging-contaminants-1.27015559>

By David M. Schwartz, Updated February 7, 2019 2:10 PM

# Ex. 4 Copyright

# Ex. 4 Copyright

**Newsday: EPA leader calls water contaminants a challenge 'of our generation'**

<https://www.newsday.com/long-island/water/epa-director-emerging-contaminants-1.27015559>

By David M. Schwartz, Updated February 7, 2019 2:10 PM

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# Ex. 4 Copyright

**Bill Dunbar**

EPA Region 10

O:206/553-1019

C:206/245-7452

1200 Sixth Avenue, Suite 155

M/S RAD-202

Seattle, WA 98101

Follow us!





Message

---

**From:** Opalski, Dan [Opalski.Dan@epa.gov]  
**Sent:** 2/14/2019 12:57:04 AM  
**To:** Hladick, Christopher [hladick.christopher@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]  
**Subject:** FW: U.S. News & World Report story

Just following up on my message from earlier in the day....

---

**From:** MacIntyre, Mark  
**Sent:** Wednesday, February 13, 2019 12:38 PM  
**To:** Leins, Casey <CLEins@usnews.com>  
**Subject:** RE: U.S. News & World Report story

Casey: Again, thanks for your inquiry. Here is what we are saying on this matter at this time(Please attribute to "EPA"):

"EPA has determined that the preliminary draft permits for which we had requested water quality certification need additional internal review. Therefore, we have withdrawn our requests for water quality certification at this time. We fully intend to reinitiate our requests for water quality certification after we have completed our internal review and updated the preliminary draft permits, as appropriate."

Mark

---

**From:** Leins, Casey <CLEins@usnews.com>  
**Sent:** Wednesday, February 13, 2019 11:45 AM  
**To:** MacIntyre, Mark <Macintyre.Mark@epa.gov>  
**Subject:** Re: U.S. News & World Report story

Hi Mark,

I completely understand, I know you all got hit very hard!

Thanks for working on this.

Best,

Casey

---

**From:** MacIntyre, Mark <Macintyre.Mark@epa.gov>  
**Sent:** Wednesday, February 13, 2019 2:24:35 PM  
**To:** Leins, Casey  
**Subject:** RE: U.S. News & World Report story

Thanks for your note Casey! Just wanted to let you know that we're still digging out here in Seattle, but I'm working on your request...

Mark MacIntyre

---

**From:** Leins, Casey <CLEins@usnews.com>  
**Sent:** Wednesday, February 13, 2019 11:06 AM  
**To:** MacIntyre, Mark <Macintyre.Mark@epa.gov>  
**Subject:** U.S. News & World Report story

Hi Mark,

My name is Casey Leins, and I'm a reporter at U.S. News & World Report in Washington, D.C. I'm writing a story exploring how federal dam operators on the Columbia Snake rivers might soon have to follow state regulations.

I spoke with Colleen Keltz at the Department of Ecology, and she told me the EPA recently withdrew its applications for 401 certification for the dams. I would like to speak with you about why the EPA took this actions.

Do you have any time today or Thursday for a brief phone interview? I would really like to get the EPA's voice in the story.

Thank you for your time.

Best,

Casey

Casey Leins  
Reporter, Best States  
U.S. News & World Report

[cleins@usnews.com](mailto:cleins@usnews.com)  
443-878-9180

Message

---

**From:** Opalski, Dan [Opalski.Dan@epa.gov]  
**Sent:** 2/13/2019 7:43:27 PM  
**To:** Hladick, Christopher [hladick.christopher@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]  
**Subject:** FW: TIME SENSITIVE - NATIONAL OUTLET MEDIA INQUIRY: "Federal Dam Ops VS. State Regulations" -U.S. News & World Report

For your awareness. I assume we are going to stick with the statement that is already approved, but will keep you posted.

---

**From:** MacIntyre, Mark  
**Sent:** Wednesday, February 13, 2019 11:15 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>  
**Cc:** Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>  
**Subject:** TIME SENSITIVE - NATIONAL OUTLET MEDIA INQUIRY: "Federal Dam Ops VS. State Regulations" -U.S. News & World Report

Nancy/Allison: Please advise as to how we should proceed in terms of remaining synchronized w/HQ on this topic.

Thanks!

Mark

---

**From:** Leins, Casey <CLEins@usnews.com>  
**Sent:** Wednesday, February 13, 2019 11:06 AM  
**To:** MacIntyre, Mark <Macintyre.Mark@epa.gov>  
**Subject:** U.S. News & World Report story

Hi Mark,

My name is Casey Leins, and I'm a reporter at U.S. News & World Report in Washington, D.C. I'm writing a story exploring how federal dam operators on the Columbia Snake rivers might soon have to follow state regulations.

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Do you have any time today or Thursday for a brief phone interview? I would really like to get the EPA's voice in the story.

Thank you for your time.

Best,

Casey

Casey Leins  
Reporter, Best States  
U.S. News & World Report  
[cleins@usnews.com](mailto:cleins@usnews.com)  
443-878-9180

Message

---

**From:** Opalski, Dan [Opalski.Dan@epa.gov]  
**Sent:** 2/21/2019 12:19:42 AM  
**To:** Hladick, Christopher [hladick.christopher@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]  
**Subject:** FW: FYI: link to article on WA federal permits and reference to TMDL study

Just so you were aware that this got picked up nationally....

---

**From:** Wu, Jennifer  
**Sent:** Wednesday, February 20, 2019 3:53 PM  
**To:** Opalski, Dan <Opalski.Dan@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Merz, Martin <merz.martin@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Weber, Courtney <Weber.Courtney@epa.gov>; Mann, Laurie <mann.laurie@epa.gov>  
**Subject:** FYI: link to article on WA federal permits and reference to TMDL study

Here's a link to the article on the WA federal permits and TMDL in US News and World Report from yesterday.

<https://www.usnews.com/news/best-states/articles/2019-02-19/washington-state-expected-to-regulate-federal-dams-that-are-harming-its-rivers>

## Washington State Expected to Regulate Federal Dams

# Ex. 4 Copyright

# Ex. 4 Copyright

Jenny Wu  
Environmental Engineer, NPDES Permits Unit  
EPA Region 10  
1200 6<sup>th</sup> Avenue, Suite 155 (OWW-191)  
Seattle, WA 98101  
206-553-6328

Message

---

**From:** Edmondson, Lucy [Edmondson.Lucy@epa.gov]  
**Sent:** 1/29/2019 10:49:01 PM  
**To:** Hladick, Christopher [hladick.christopher@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]  
**Subject:** one more thing - ECY 401 certs extension

Hi Chris

I had meant to also check w you to see if you had been able to send an email to Maia granting ECY more time for their 401 cert for the dams? (Dan sent you suggested language late yesterday.)?

Thanks

Lucy

Lucy Edmondson  
Director, Washington Operations Office  
US EPA Region 10  
300 Desmond Drive  
Lacey, WA 98503

office: 360.753.9082  
cell: 206.735.5301



Message

---

**From:** Opalski, Dan [Opalski.Dan@epa.gov]  
**Sent:** 1/29/2019 1:13:46 AM  
**To:** Hladick, Christopher [hladick.christopher@epa.gov]  
**Subject:** RE: Extension Request

Chris – My recommendation is that you write a quick email back to Maia along these lines:

“Maia,

I hereby grant your request for additional time through February 28, 2019.

Thank you for your continued thoughtful efforts.

Chris”

I can instead send something similar on your behalf if you prefer.

---

**From:** Hladick, Christopher  
**Sent:** Saturday, January 26, 2019 7:54 AM  
**To:** Opalski, Dan <Opalski.Dan@epa.gov>  
**Subject:** Fwd: Extension Request

Sent from my iPhone

Begin forwarded message:

**From:** "Bellon, Maia (ECY)" <maib461@ECY.WA.GOV>  
**Date:** January 25, 2019 at 1:32:47 PM PST  
**To:** "hladick.christopher@epa.gov" <hladick.christopher@epa.gov>  
**Subject:** Extension Request

Chris,

The Department of Ecology appreciates EPA’s cooperation on December 18, 2018, in extending our review period to February 1, 2019 for consideration of 401 certification for the nine draft individual permits for federal hydroelectric generating facilities on the Columbia and Lower Snake Rivers. After further review, we will initiate the required public notice and comment period of our draft 401 certifications the week of January 28, 2019 for the facilities and the associated draft NPDES permits EPA has developed and submitted to us.

This means that we will finalize the 401 certifications for the nine facilities following our formal public review period and therefore require time beyond February 1, 2019, to complete our state process. Ecology is not waiving our right to certify, but will need additional time to ensure the state’s requirements for public review and comment process are met.

Please confirm EPA’s agreement to allow additional time for Ecology to meet state processes and extend

our deadline to February 28, 2019.

Thank you,

Maia Bellon, Director  
Washington State Department of Ecology

Message

---

**From:** Witt, Richard [Witt.Richard@epa.gov]  
**Sent:** 2/25/2019 5:52:53 PM  
**To:** Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Levine, MaryEllen [levine.maryellen@epa.gov]  
**Subject:** Briefing materials on 316(b) used at the meeting with Anna  
**Attachments:** 316(b) Dam Briefing Document with Attachments 10 25 18 draft.docx

Richard Witt  
OGC Water Law Office  
564-5496

Message

**From:** Ruggs, Tasheka [ruggs.tasheka@epa.gov]  
**Sent:** 2/6/2019 9:12:20 PM  
**To:** Schroer, Lee [schroer.lee@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Levine, MaryEllen [levine.maryellen@epa.gov]  
**Subject:** New Nols - Other Federal Agencies  
**Attachments:** Columbia Riverkeeper(Army CoE)\_2019-OFA-2\_6Feb19.pdf; California River Watch (DoD). \_2019-OFA-3\_6Feb19.pdf

Good Afternoon,

I just added the attached NoIs the database: Columbia Riverkeeper – NCS#2019-OFA-2 and California River Watch – NCS#2019-OFA-3. Please advise as to which attorney I should list in the system. Thank you.

Tasheka Ruggs  
Paralegal Specialist  
Office of the General Counsel (WLO)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Mail Code 2355A  
202-564-0688  
[ruggs.tasheka@epa.gov](mailto:ruggs.tasheka@epa.gov)

# KAMPMEIER & KNUTSEN PLLC

ATTORNEYS AT LAW

BRIAN A. KNUTSEN  
Licensed in Oregon & Washington  
503.841.6515  
brian@kampmeierknutsen.com

January 14, 2019

**Via CERTIFIED MAIL – Return Receipt Requested**

Lieutenant General Todd T. Semonite  
Commanding General & Chief of Engineers  
U.S. Army Corps of Engineers  
441 G Street N.W.  
Washington, D.C. 20314-1000

**Re: NOTICE OF INTENT TO SUE THE U.S. ARMY CORPS OF ENGINEERS AND  
LIEUTENANT GENERAL SEMONITE UNDER THE CLEAN WATER ACT**

Dear Lieutenant General Semonite:

This letter is to provide you with sixty days notice of Columbia Riverkeeper's ("Riverkeeper") intent to file a citizen suit against the United States Army Corps of Engineers and Lieutenant General Todd T. Semonite, in his official capacity as the Commanding General and Chief of Engineers of the United States Army Corps of Engineers (collectively, the "Corps"), under section 505 of the Clean Water Act ("CWA"), 33 U.S.C. § 1365, for the violations described herein. The CWA prohibits any person from discharging any pollutant to waters of the United States except as authorized by a National Pollutant Discharge Elimination System ("NPDES") permit. Continuing to discharge pollutants without securing an NPDES permit constitutes an ongoing violation of the CWA.

The Corps has and continues to violate section 301(a) of the CWA, 33 U.S.C. § 1311(a), by discharging pollutants to waters of the United States and to the State of Washington from the Chief Joseph Dam and from its associated structures and facilities (collectively "Dam").<sup>1</sup> Specifically, the Corps discharges oils, greases, other lubricants, and cooling water from the Dam without the authorization of an NPDES permit in violation of the CWA.

This notice of intent to sue is part of Riverkeeper's effort to protect people who rely on the Columbia River for uses including drinking water, food, and recreation. Riverkeeper's mission is to protect and restore the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. The organization's strategy for protecting the

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<sup>1</sup> The term "Dam," as used herein, includes the Chief Joseph Dam and all associated structures and facilities, including turbines, powerhouses, transformers, spillways, and cranes. The approximate location of the Dam is identified in Appendix I.

Columbia River and its tributaries includes working in river communities and enforcing laws that protect public health, salmon, and other fish and wildlife.

## **I. Legal Background.**

Washington's rivers, and the use of rivers by people, fish, and wildlife, are protected by both federal and state law. In 1972, Congress passed the CWA to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a). The CWA is the cornerstone of surface water quality protection in the United States. In the forty years since its passage, the CWA has dramatically increased the number of waterways that are once again safe for fishing and swimming. Despite the great progress in reducing water pollution, many of the Nation's waters still do not meet the water quality goals. In fact, the vast majority of rivers and streams in Washington fail to meet basic state water quality standards for pollutants such as toxics and temperature.<sup>2</sup> These standards are designed to protect designated uses, including aquatic life, fishing, swimming, and drinking water.

The NPDES permitting scheme is the primary means by which discharges of pollutants are controlled. At a minimum, NPDES permits must include technology-based effluent limitations, any more stringent limitations necessary to meet water quality standards, and monitoring and reporting requirements. *See* 33 U.S.C. §§ 1311, 1342, 1318. Every year, EPA and the state of Washington issue hundreds of permits for pollution discharges into the Columbia and Snake Rivers. These include permits that regulate the discharge of toxic pollution, hot water, bacteria, and other pollutants. According to EPA, improvements to the quality of water in our rivers are directly linked to the implementation of the NPDES program and the associated control of pollutants discharged from both municipal and industrial point sources.<sup>3</sup>

## **II. The Heavy Toll of Pollution on the Columbia River.**

The Columbia River is one of the West's greatest river systems. This river supports rich fishing traditions, provides water for communities and agriculture, recreation opportunities, and power for hydroelectric dams. The river is also severely degraded by pollution. Toxic pollution threatens the health of people that eat local fish and jeopardizes the public's right to eat fish caught locally. Rising water temperatures also threaten the health of salmon and other aquatic life that rely on cool water for survival.

EPA designated the Columbia River Basin a Critical Large Aquatic Ecosystem in 2006 because toxic contamination and other pollution is so severe. In 2009, EPA released an in-depth report on toxic pollution in the Columbia, the *Columbia River Basin: State of River Report for*

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<sup>2</sup> *See* State of Washington 303(d) List, available at <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>; State of Oregon 303(d) List, available at <https://www.deq.state.or.us/wq/assessment/rpt2010/results303d10.asp>.

<sup>3</sup> U.S. EPA, *Water Permitting 101* at 11, <http://www.epa.gov/npdes/pubs/101pape.pdf>.

*Toxics*.<sup>4</sup> EPA's report concluded that harmful pollutants are moving up the food chain, impacting humans, fish, and wildlife. As the report explains, "[i]n 1992, an EPA national survey of contaminants in fish in the United States alerted EPA and others to a potential health threat to tribal and other people who eat fish from the Columbia River Basin." This survey prompted further study on the contaminated fish and the potential impacts on tribal members.

In particular, EPA funded four Columbia River tribes, through the Columbia River Intertribal Fish Commission ("CRITFC"), to study contaminant levels in fish caught at traditional fishing sites.<sup>5</sup> The study demonstrated the presence of 92 toxic chemicals in fish consumed by tribal members, resulting in a 50-fold increase in cancer risk among tribal members whose diets rely on river-caught fish. Contaminants found in these fish include PCBs, dioxins, furans, arsenic, mercury, and DDE, a toxic breakdown product of DDT.<sup>6</sup>

The CRITFC study is not alone in demonstrating the serious problem of toxic contamination. From 1989 to 1995, the Lower Columbia River Bi-State Water Quality Program ("Bi-State Program") generated substantial evidence demonstrating that water and sediment in the Lower Columbia River and its tributaries have levels of toxic contaminants that are harmful to fish and wildlife.<sup>7</sup> The Bi-State Program concluded that:

- Dioxins and furans, metals, PCBs, PAHs, and pesticides impair the water sediment, and fish and wildlife;
- Arsenic, a human carcinogen, exceeded both EPA ambient water criteria for protection of human health and the EPA human health advisories for drinking water;
- Beneficial uses such as fishing, shellfishing, wildlife, and water sports are impaired;
- Many toxic contaminants are moving up the food chain and accumulating in the bodies of animals and humans that eat fish;
- People who eat fish from the lower Columbia over a long period of time are exposed to health risks from arsenic, PCBs, dioxins and furans, and DDT and its breakdown products.<sup>8</sup>

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<sup>4</sup> U.S. EPA, *Columbia River Basin State of River Report for Toxics* (hereafter *State of the River Report*) (January 2009), <https://www.epa.gov/columbiariver/2009-state-river-report-toxics>).

<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.* at 19.

<sup>7</sup> Lower Columbia River Estuary Partnership. 2007. *Lower Columbia River and Estuary Ecosystem Monitoring: Water Quality and Salmon Sampling Report* at 1.

<sup>8</sup> *Id.* at 5 - 6.

Other studies have confirmed and added to the overwhelming scientific evidence on toxic contamination in the Columbia River Basin.<sup>9</sup>

Pollution discharges from the Corps' Dam contribute to the pollution crisis on the Columbia River. According to the National Oceanic & Atmospheric Administration ("NOAA"):

Spilled oil can harm living things because its chemical constituents are poisonous. This can affect organisms both from internal exposure to oil through ingestion or inhalation and from external exposure through skin and eye irritation. Oil can also smother some small species of fish or invertebrates and coat feathers and fur, reducing birds' and mammals' ability to maintain their body temperatures.<sup>10</sup>

The impacts of oil pollution are sobering. Yet the Corps discharges oil and other pollution from the Dam without the NPDES permit authorization required by the CWA. In turn, the Corps fails to monitor and report pollution in a manner that enables the public to fully understand the extent and severity of the problem.

The Dam also discharges heat in the form of cooling water to a river system recognized by EPA as too warm to support designated uses, including salmon habitat. Salmon need cool water to survive. Nearly two decades ago, federal scientists declared the Columbia River too hot for healthy salmon runs. Hot water pollution from point sources, including the Dam, contributes to elevated water temperatures in the Columbia River. Specifically, the Corps uses water to cool a variety of Dam components and materials, including turbines, generators, transformers, and lubricating oils. The Corps discharges this cooling water directly to the Columbia River.

The devastating impact of hot water pollution on the Columbia River is not hypothetical. Northwest rivers had unreasonably high temperatures in summer 2015, warm enough to kill thousands of migrating sockeye salmon headed to the mid-Columbia and lower Snake Rivers. Scientists estimate that more than 277,000 sockeye, about 55 percent of the total run, returning from the ocean to spawn died in the Columbia and Snake Rivers due to warm water temperatures in 2015. The Fish Passage Center, which provides technical assistance and information to fish and wildlife agencies, concluded that higher water temperatures in the Columbia and Snake Rivers are largely due to dams.<sup>11</sup> Dams heat the river by decreasing river flow and creating huge,

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<sup>9</sup> *Id.* at 6 (citing studies by USGS, the U.S. Army Corps of Engineers, DEQ, and others); see generally U.S. EPA, *State of the River Report*.

<sup>10</sup> NOAA, Office of Response and Restoration, *How Oil Effects Fish and Wildlife in Marine Environments*, <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/how-oil-harms-animals-and-plants-marine-environments.html>.

<sup>11</sup> Fish Passage Center, Memorandum on Water Temperature Issues in The Columbia and Snake Rivers (Oct. 28, 2015), <http://www.fpc.org/documents/memos/159-15.pdf>.



stagnant reservoirs.<sup>12</sup> The Corps discharges cooling water from the Dam, which contributes warm water to a river that is already too warm to support healthy fish populations.

### **III. Unpermitted Pollutant Discharges from the Dams.**

Section 301(a) of the CWA prohibits discharges of oils, greases, lubricants, cooling water, and other pollutants to the Columbia River from the Dam without NPDES permit authorization. 33 U.S.C. § 1311(a). Without an NPDES permit, the Corps is failing to monitor, report, and reduce pollution discharges pursuant to the CWA and state and federal implementing rules.

#### **A. Chronic Pollutant Discharges from the Dam.**

The Dam discharges oils, greases, lubricants, and other pollutants collected from various sources through sumps, including powerhouse drainage sumps, unwatering sumps, spillway sumps, and other systems. The Corps violates section 301(a) of the CWA by discharging pollutants from these various drainage and/or un-watering sumps and other systems at the Dam. These violations occurred each and every time the Corps made these discharges in the past six years and continue to occur.<sup>13</sup>

The Dam discharges cooling water, and the associated heat, used to cool a variety of Dam components and materials, including turbines, generators, transformers, and lubricating oils. The Corps is in violation of section 301(a) of the CWA by discharging cooling water, and the associated heat, from the Dam each and every day for the past six years.

The Dam utilizes Francis turbines, which discharge grease to the Columbia River. Wicket gates control the amount of water flowing through the turbines at the Dam. The Wicket gate bearings are lubricated with grease or another lubricant. This grease or lubricant is continuously fed into the bearings and discharged directly into surface waters. The Corps is in violation of section 301(a) of the CWA by discharging grease or lubricant from the bearings at each of the turbine wicket gates at the Dam each and every day for the past six years.

#### **B. Acute Pollutant Discharges from the Dams.**

The Corps violates section 301(a) of the CWA every time it discharges oil, a lubricant, or other pollutants to the Columbia River from the Dam. Riverkeeper requested public records detailing oil spills and other discharges from the Dam. Riverkeeper also reviewed the United

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<sup>12</sup> While government experts identify dams as a major source of heat pollution in the Columbia River, Riverkeeper's notice of intent to sue limits heat related discharge allegations to point source discharges of cooling water.

<sup>13</sup> The Corps is in the best position to know the specific location of the point sources (*i.e.* the structures that discharge pollutants from drainage sumps, unwatering sumps, spillway sumps, and other systems into the Columbia River) at the Dam.

Sates Coast Guard's National Response Center Website, which maintains a national database of oil spills. Table 1 describes reported acute pollution discharges from the Dam to the Columbia River during the last six years. Riverkeeper does not concede that the amount of pollution reported is, in fact, the amount of pollution actually discharged from the Dams.

<b>Table 1</b> <b>Chief Joseph Dam Reported Discharges</b>			
<b>Reported Date of Discharge</b>	<b>Reported Pollutant Discharged</b>	<b>Reported Amount Discharged</b>	<b>Comments from Discharge Report</b>
6/17/14	Oil	5-10 gallons	5-10 gallons spilled at hydraulic gate, no oil released outside of the dam; later estimated that only 1 gallon spilled and none reached the river.
9/3/14	Paint Primer	1 cup	Contractor spilled approximately 1 cup of paint primer into the Columbia River.
11/17/14	Hydraulic Oil	1 gallon	The oil spilled was an aromatic oil used as an antifreeze agent in the lines supporting the gates.
12/9/16	Petroleum-based Heat Transfer Fluid	Less than 10 gallons	Heat transfer fluid released from a gate seal heater system due to an unknown cause.
9/29/17	Transformer Oil	787 gallons spilled, unclear how much made it into the River.	Approximately 1,000 gallons of transformer oil spilled to containment and then to a sump. A skimmer has been placed in the sump, which has recovered some of the oil. The dam has also increased the water level in the sump to try to prevent the oil trapping in the sump from being discharged to the Columbia River.
10/5/17	Vegetable Oil	2 tablespoons, 20x20ft sheen	Water level adjustments were being made and resulted in a small release of oil.
12/11/17	Chevron Clarity ISO32 Hydraulic Oil	Sheen, 1 quart	Caller stated that a sheen of chevron clarity ISO32 hydraulic oil released from the water sump into the Columbia River. This was due to a leaking gate cylinder.
3/4/18	Group 2 Mineral Oil	10-20 gallons	While performing maintenance on a turbine, a pipe/line broke and spilled approximately 50 gallons of oil into mechanical workings. A drum skimmer and pad were used to recover 30-40 gallons. 10-20 gallons of oil remain in the draft tube and are scheduled to be released into the Columbia.
4/24/18	Diesel Oil	½ cup, 20x20ft sheen	Diesel oil to water due to a faulty o-ring.
5/1/18	Heat Transfer Fluid	1 gallon	Hydraulic oil spilled from a pipe associated with the dam's gate seal heating system.
6/6/18	Hydraulic Oil	Sheen, 1 gallon	Dam's barge leaked on the ramp hydraulic system. Caused a 60x60ft sheen.

#### **IV. Public Documents Announce the Need for an NPDES Permit for Dam Discharges.**

The Corps should be aware that the CWA prohibits its discharges of oil, greases, lubricants, cooling water, and other pollution to the Columbia River from the Dam absent an NPDES permit. Notably, Riverkeeper sued the Corps in 2012 for failing to obtain pollution discharge permits for eight other Columbia River and Snake River dams (Bonneville, The

Dalles, Ice Harbor, John Day, Little Goose, Lower Monumental, McNary, Lower Granite).<sup>14</sup> As the Corps is aware, that case was resolved in 2014 through a settlement agreement requiring the Corps to:

1. Apply to EPA for NPDES discharge permits;
2. Investigate using less harmful lubricants in dam equipment; and
3. Monitor the type and quantity of pollution being discharged into the rivers.<sup>15</sup>

The Corps applied for the NPDES permits for the dams subject to that settlement agreement and EPA is in the process of drafting permits for them. Furthermore, Riverkeeper reached a settlement with the United States Bureau of Reclamation ("Bureau") in 2017 that requires the Bureau to join its federal partners at the Corps to investigate replacing toxic oil at the Grand Coulee Dam, also on the Columbia River, with eco-friendly lubricants or switch to using non-lubricated equipment.<sup>16</sup> The Bureau also committed to apply for an NPDES permit for pollution discharges from the Grand Coulee Dam.

Although the Corps and the Bureau, agreed to apply for NPDES permits for the above dams, the Corps still has not applied for an NPDES permit for the Chief Joseph Dam.

Furthermore, EPA requires permits for the exact kinds of discharges occurring at the Dam. On April 27, 2018, EPA promulgated a draft NPDES General Permit for pollutant discharges from hydroelectric generating facilities in Idaho.<sup>17</sup> The draft permit authorizes five categories of discharges. The permit "establishes effluent limitations for:

1. pH, oil and grease, and monitoring requirements for temperature and flow for discharges of noncontact cooling water and equipment-related cooling water systems.
2. pH, oil and grease, and monitoring requirements for flow for discharges from equipment and floor drains.

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<sup>14</sup> COLUMBIA RIVERKEEPER, STOPPING OIL POLLUTION FROM DAMS, <https://www.columbiariverkeeper.org/our-work-saving-salmon/stopping-oil-pollution-dams> (last visited July 24, 2018).

<sup>15</sup> *Id.*

<sup>16</sup> COLUMBIA RIVERKEEPER, GRAND COULEE DAM SETTLEMENT, <https://www.columbiariverkeeper.org/news/2017/1/grand-coulee-dam-settlement> (last visited August 27, 2018).

<sup>17</sup> THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, NPDES FACT SHEET: WASTEWATER DISCHARGES FROM HYDROELECTRIC GENERATING FACILITIES GENERAL PERMIT (2018) available at <https://www.epa.gov/sites/production/files/2018-04/documents/r10-npdes-idaho-hydroelectric-gp-idg360000-fact-sheet-2018.pdf>

3. pH, oil and grease, and monitoring requirements for flow for discharges from equipment and facility maintenance-related water.
4. pH, oil and grease, and monitoring requirements for flow for discharges from maintenance-related water during flood/high water events and equipment related back wash water from strainer screens.
5. pH, oil and grease, and monitoring requirements for flow and temperature for discharges from any combination of the following: equipment-related cooling water, equipment and floor drain water, maintenance-related water, maintenance-related water from flood/high water events and for equipment related backwash strainer water.”<sup>18</sup>

According to the EPA:

Most discharges that affect water quality are ancillary to the direct process of generating electricity at a hydroelectric facility and result mostly from oil spills, equipment leaks, and improper storage. The General Permit is proposing to require development and implementation of a Best Management Practices (BMP) Plan to minimize or eliminate the discharge of oil and grease and an annual self-certification report demonstrating compliance with the BMP Plan.<sup>19</sup>

In short, the Corps has been aware since long before this notice of intent to sue letter that discharges associated with the Dam require an NPDES permit. Yet, based upon the information available to Riverkeeper, the Corps has neither applied for nor obtained an NPDES permit for discharges of oils, greases, lubricants, cooling water, and other pollution from the Dam.

**V. Party Giving Notice of Intent to Sue.**

The full name, address, and telephone number of the party giving notice is:

Columbia Riverkeeper  
407 Portway Ave. Suite 301  
Hood River, OR 97031  
(541) 387-3030

---

<sup>18</sup> *Id.* at 14.

<sup>19</sup> *Id.* at 15.

## **VI. Attorneys Representing Riverkeeper.**

The attorneys representing Riverkeeper in this matter are:

Brian A. Knutsen  
Kampmeier & Knutsen, PLLC  
221 S.E. 11th Ave., Suite 217  
Portland, Oregon 97214  
(503) 841-6515  
brian@kampmeierknutsen.com

Lauren Goldberg, Legal and Program Director  
Columbia Riverkeeper  
407 Portway Ave. Suit 301  
Hood River, OR 97031  
(541) 965-0985  
lauren@columbiariverkeeper.org  
(Licensed in Oregon)

Simone Anter, Associate Attorney  
Columbia Riverkeeper  
407 Portway Ave. Suit 301  
Hood River, OR 97031  
(541) 399-5312  
simone@columbiariverkeeper.org

## **VII. Conclusion.**

The violations described herein reflect those indicated by the information currently available to Riverkeeper. Riverkeeper intends to sue for all violations, including those yet to be uncovered and those committed after the date of this notice of intent to sue.

Riverkeeper intends to seek injunctive relief to prevent further CWA violations under sections 505(a) and (d) of the CWA, 33 U.S.C § 1365(a) and (d), and such other relief as is permitted by law. Riverkeeper will further seek to recover its litigation expenses as authorized by section 505(d) of the CWA, 33 USC § 1365(d).

Riverkeeper believes that this notice of intent to sue sufficiently states grounds for filing suit. Riverkeeper intends to file a citizen suit against the United States Army Corps of Engineers and Lieutenant General Todd T. Semonite, in his official capacity as the Commanding General and Chief of Engineers of the United States Army Corps of Engineers, under section 505(a) of the CWA, 33 U.S.C. § 1365(a), for the violations described herein at the expiration of the sixty-day notice period or shortly thereafter.

Riverkeeper is willing to discuss effective remedies for the violations addressed in this notice of intent to sue letter and appropriate settlement terms. Please direct all correspondence to Brian A. Knutsen at (503) 841-6515 or [brian@kampmeierknutsen.com](mailto:brian@kampmeierknutsen.com).

Very truly yours,

KAMPMEIER & KNUTSEN, PLLC

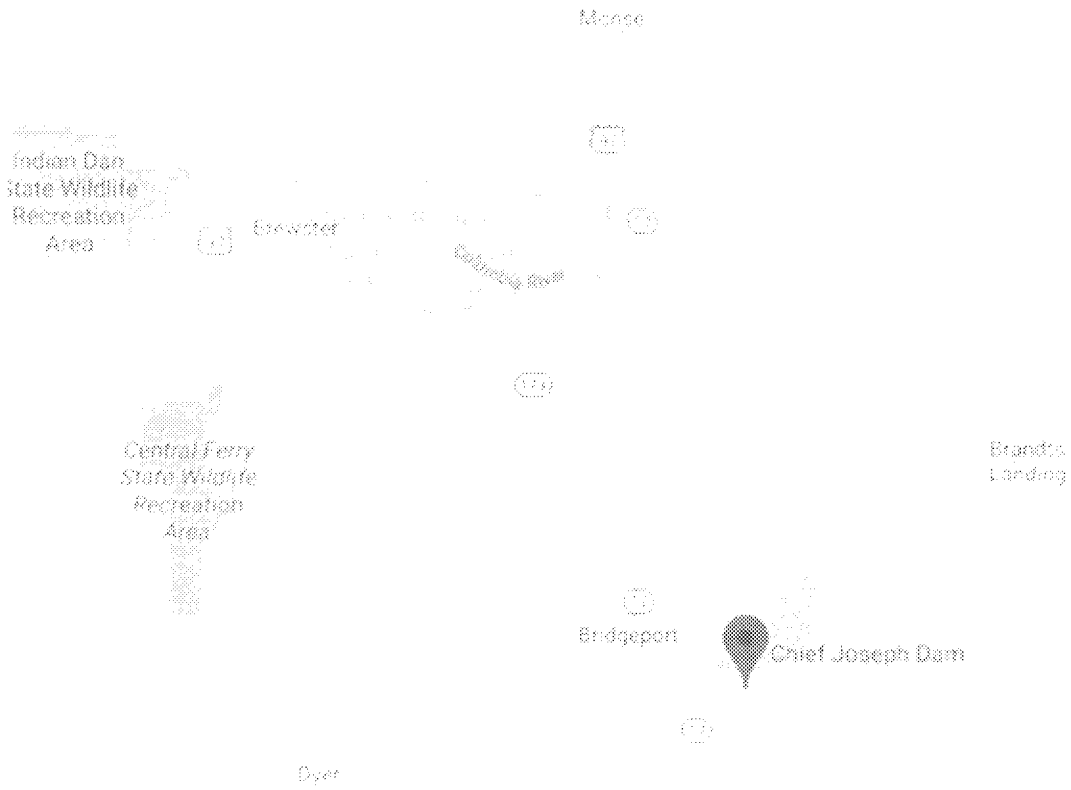
By:   
\_\_\_\_\_  
Brian A. Knutsen  
Lauren Goldberg  
Simone Anter

# APPENDIX I

Chief Joseph Dam: Bridgeport, Washington 98813

Coordinates: 47°59'43"N 119°38'04"W

Map:



## CERTIFICATE OF SERVICE

I, Brian A. Knutsen, declare under penalty of perjury of the laws of the United States that I am counsel for Columbia Riverkeeper and that on January 14, 2019, I caused copies of the foregoing Notice of Intent to Sue the U.S. Army Corps of Engineers and Lieutenant General Semonite Under the Clean Water Act to be served on the following by depositing them with the United States Postal Service, certified mail, return receipt requested, postage prepaid:


Lieutenant General Todd T. Semonite  
Commanding General & Chief of Engineers  
U.S. Army Corps of Engineers  
441 G Street N.W.  
Washington, D.C. 20314-1000

Acting Attorney General Matthew G. Whitaker  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Acting Administrator Andrew Wheeler  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Ave., N.W.  
Mail Code 1101A  
Washington DC 20460

Regional Administrator Chris Hladick  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Mail Code RA-210  
Seattle, WA 98101

Director Maia D. Bellon  
Washington Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600



Brian A. Knutsen



Message

---

**From:** MacIntyre, Mark [Macintyre.Mark@epa.gov]  
**Sent:** 2/8/2019 9:42:46 PM  
**To:** Soscia, Mary Lou [Soscia.Marylou@epa.gov]  
**CC:** Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Wu, Jennifer [Wu.Jennifer@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Byrne, Jennifer [Byrne.Jennifer@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]  
**Subject:** Re: CBB, 02/08/2019

Thank you!!!

Sent from my iPhone

On Feb 8, 2019, at 1:25 PM, Soscia, Mary Lou <[Soscia.Marylou@epa.gov](mailto:Soscia.Marylou@epa.gov)> wrote:

Article has been changed..... 😊😊 See below.

**EPA WITHDRAWS DRAFT WATER QUALITY PERMITS SOUGHT FROM WASHINGTON ECOLOGY FOR COLUMBIA/SNAKE DAMS**

Posted on Friday, February 08, 2019 (PST)

**Ex. 4 Copyright**

# **Ex. 4 Copyright**

# Ex. 4 Copyright

# Ex. 4 Copyright

Also see:

-- CBB, February 1, 2019, "Washington Ecology's Draft EIS Raises Gas Cap To Allow More Spill For Fish At Columbia/Snake Dams, <http://www.cbbulletin.com/442078.aspx>

-- CBB, January 11, 2019, "Following Presidential Directive, Feds Shorten Columbia/Snake Hydrosystem EIS Schedule By One Year," <http://www.cbbulletin.com/441998.aspx>

-- CBB, December 21, 2018, "Parties Sign Agreement On Flexible Spill For Fish Passage At Columbia/Snake Dams," <http://www.cbbulletin.com/441945.aspx>

-- CBB, October 26, 2018, "Federal Court Orders EPA To Complete Water Temperature Protections For Columbia/Snake Salmonids," <http://www.cbbulletin.com/441724.aspx>


--CBB, April 26, 2016, "Conservation Groups File Notice To Sue EPA Over Columbia/Snake Water Temperatures," <http://www.cbbulletin.com/437375.aspx>

---

**Mary Lou Soscia | Columbia River Coordinator | US EPA**  
805 S.W. Broadway, Suite 500 | Portland, OR 97205  
503.326.5873  
[www.epa.gov/columbiariver](http://www.epa.gov/columbiariver)

---

**From:** Columbia Basin Bulletin <[billcrampton@bendcable.com](mailto:billcrampton@bendcable.com)>  
**Sent:** Friday, February 08, 2019 9:17 AM  
**To:** Soscia, Mary Lou <[Soscia.Marylou@epa.gov](mailto:Soscia.Marylou@epa.gov)>  
**Subject:** CBB, 02/08/2019



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"subscribe cbb" in the subject line. Or go to <http://www.cbbulletin.com/NewsletterSignup/default.asp>  
-- Bill Crampton, Editor, [billcrampton@bendcable.com](mailto:billcrampton@bendcable.com), 541-312-8860

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The Columbia Basin Bulletin:  
Weekly Fish and Wildlife News  
[www.cbbulletin.com](http://www.cbbulletin.com)  
February 8, 2019  
Issue No. 897  
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<http://www.cbbulletin.com/442117.aspx>

\* Judge Says No To Expedited Hearing But Lawsuit Over Willamette Basin Dams Moves Forward  
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\* Idaho Meetings Set For Anglers To Discuss Upcoming Chinook Fishing Season  
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\* Streamflow, Snowpack Forecasts Dropping Across The Basin; Water Supply 83 Percent Normal  
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\* 2018 Comparative Survival Report Offers Latest Numbers On Smolt-To-Adult Returns For Columbia River  
<http://www.cbbulletin.com/442112.aspx>

\* NOAA Report: 2018 Fourth Warmest Year With Nine Of 10 Warmest Years Coming Since 2005  
<http://www.cbbulletin.com/442111.aspx>

\* Idaho Fish And Game Designs Innovative Way To Survey Wildlife Using Remote Cameras  
<http://www.cbbulletin.com/442110.aspx>

\* Research On Northwest Forest Plan Shows Bird Species Struggling 25 Years Later  
<http://www.cbbulletin.com/442109.aspx>

\* Climate Modeling Details Coming Significant Vegetation Type Shifts In Coastal Forests  
<http://www.cbbulletin.com/442108.aspx>

\* Climate Change Will Shift Color Of Surface Ocean By End Of Century  
<http://www.cbbulletin.com/442107.aspx>

-----  
\* EPA Withdraws Draft Water Quality Permits Sought From Washington Ecology For Columbia/Snake River

# Ex. 4 Copyright

# **Ex. 4 Copyright**



# Ex. 4 Copyright

Also see:

-- CBB, February 1, 2019, "Washington Ecology's Draft EIS Raises Gas Cap To Allow More Spill F  
<http://www.cbbulletin.com/442078.aspx>

-- CBB, January 11, 2019, "Following Presidential Directive, Feds Shorten Columbia/Snake Hydros  
<http://www.cbbulletin.com/441998.aspx>

-- CBB, December 21, 2018, "Parties Sign Agreement On Flexible Spill For Fish Passage At Colum  
<http://www.cbbulletin.com/441945.aspx>

-- CBB, October 26, 2018, "Federal Court Orders EPA To Complete Water Temperature Protection  
<http://www.cbbulletin.com/441724.aspx>

--CBB, April 26, 2016, "Conservation Groups File Notice To Sue EPA Over Columbia/Snake Water  
<http://www.cbbulletin.com/437375.aspx>

---

\* Juvenile Sturgeon Below Bonneville Dam Still Show Reduced Abundance, Legal-Size Fish Numb

# Ex. 4 Copyright

# **Ex. 4 Copyright**

# Ex. 4 Copyright

Also see:

-- CBB, October 27, 2017, "Sturgeon Fishing Day Added, Mainstem Night Fishing Ban Lifted, Wild  
<http://www.cbbulletin.com/439783.aspx>

-- CBB, October 13, 2017, "States Set Two Days For Sturgeon Retention Fishing Downstream Of B  
<http://www.cbbulletin.com/439717.aspx>

--CBB, June 16, 2017, "With More Fish Caught Than Expected, States Close Lower Columbia Stur  
<http://www.cbbulletin.com/439103.aspx>

--CBB, February 10, 2017, "Harvest Managers Extend Tribal Sturgeon Gillnetting For One Week,"

-- CBB, Feb. 26, 2016, "Lower Columbia River White Sturgeon Overall Numbers Continue To Grow  
<http://www.cbbulletin.com/436114.aspx>

-----  
\* Judge Says No To Expedited Hearing But Lawsuit Over Willamette Basin Dams Moves Forward

# Ex. 4 Copyright

# Ex. 4 Copyright

Also see:

-- CBB, March 16, 2018, "Conservation Groups Sue Federal Agencies Over ESA-Listed Willamette"  
<http://www.cbbulletin.com/440366.aspx>

-- CBB, November 3, 2017, "Conservation Groups Announce Intent To Sue Corps Over Willamette"  
<http://www.cbbulletin.com/439813.aspx>

-----

\* Idaho Meetings Set For Anglers To Discuss Upcoming Chinook Fishing Season

# Ex. 4 Copyright

# Ex. 4 Copyright

\* Streamflow, Snowpack Forecasts Dropping Across The Basin; Water Supply 83 Percent Normal

# Ex. 4 Copyright

\* Final EIS Issued On New Facility At Nez Perce Hatchery To 'Recondition' Steelhead (Spawned)

# Ex. 4 Copyright

# Ex. 4 Copyright

Also see:

--CBB, December 2, 2016, "Nez Perce Tribe Seeking Next Step For Steelhead Kelt Facility To Cap  
<http://www.cbbulletin.com/438041.aspx>

--CBB, July 22, 2016, "Repeat Spawners: Study Looks At How Improving Steelhead 'Kelt' Survival  
<http://www.cbbulletin.com/437180.aspx>

–CBB, November 7, 2014, “Will Getting Some Steelhead To Spawn Twice Improve Numbers? Yak Answers,” <http://www.cbbulletin.com/432586.aspx>

---

\* 2018 Comparative Survival Report Offers Latest Numbers On Smolt-To-Adult Returns For Colum

# Ex. 4 Copyright



# Ex. 4 Copyright

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\* NOAA Report: 2018 Fourth Warmest Year With Nine Of 10 Warmest Years Coming Since 2005

# Ex. 4 Copyright

# Ex. 4 Copyright

\* Idaho Fish And Game Designs Innovative Way To Survey Wildlife Using Remote Cameras

# Ex. 4 Copyright

# Ex. 4 Copyright

# Ex. 4 Copyright

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\* Research On Northwest Forest Plan Shows Bird Species Struggling 25 Years Later

# Ex. 4 Copyright

# Ex. 4 Copyright

## Ex. 4 Copyright

\* Climate Modeling Details Coming Significant Vegetation Type Shifts In Coastal Forests

# Ex. 4 Copyright

# Ex. 4 Copyright

\* Climate Change Will Shift Color Of Surface Ocean By End Of Century

# Ex. 4 Copyright

# Ex. 4 Copyright

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For more information about the CBB contact:

-- Bill Crampton, Editor/Writer, [billcrampton@bendcable.com](mailto:billcrampton@bendcable.com), phone: 541-312-8860



- Mike O'Bryant, Writer, [obryants@comcast.net](mailto:obryants@comcast.net), phone: 503-307-7487
- Jim Mann, Writer, [jmann@cbbulletin.com](mailto:jmann@cbbulletin.com), phone: 406-270-5663

The stories in this e-mail newsletter are posted on the Columbia Basin Bulletin website at [www.cbbulletin.com](http://www.cbbulletin.com)

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Feedback comments should be sent by e-mail to the Editor at [bcrampton@cbbulletin.com](mailto:bcrampton@cbbulletin.com). Please encourage comments about particular stories, complaints about inaccuracies or omissions; additional topics covered; or opinions that counterbalance statements reported. The Columbia Basin Bulletin is published by Intermountain Communications of Bend, Oregon and supported with Bonneville Power Administration Northwest Power and Conservation Council's Columbia Basin Fish and Wildlife Program.

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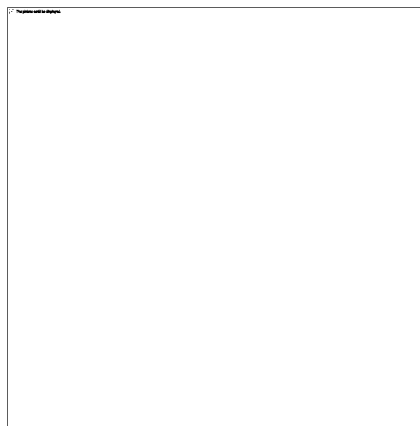
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Sent by [billcrampton@bendcable.com](mailto:billcrampton@bendcable.com) in collaboration with



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Message

---

**From:** MacIntyre, Mark [Macintyre.Mark@epa.gov]  
**Sent:** 2/8/2019 9:11:29 PM  
**To:** R10 Press Team [R10\_Press\_Team@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Wu, Jennifer [Wu.Jennifer@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Byrne, Jennifer [Byrne.Jennifer@epa.gov]; Soscia, Mary Lou [Soscia.Marylou@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]  
**Subject:** FYI 401 Cert. COVERAGE

---

**From:** Google Alerts <googlealerts-noreply@google.com>  
**Sent:** Friday, February 8, 2019 1:00 PM  
**To:** MacIntyre, Mark <Macintyre.Mark@epa.gov>  
**Subject:** Google Alert - Mark MacIntyre EPA



## Mark MacIntyre EPA

Daily update · February 8, 2019

NEWS

### Federal, Washington Officials Spar Over Water Quality Regulations At Dams

OPB News

But the U.S. **Environmental Protection Agency** is putting a stop to those ... In an emailed statement, **EPA** spokesman **Mark MacIntyre** said the federal ...

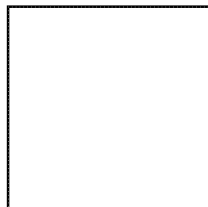


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Message

---

**From:** Soscia, Mary Lou [Soscia.Marylou@epa.gov]  
**Sent:** 2/8/2019 7:50:02 PM  
**To:** Wu, Jennifer [Wu.Jennifer@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; MacIntyre, Mark [Macintyre.Mark@epa.gov]  
**CC:** Opalski, Dan [Opalski.Dan@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]  
**Subject:** RE: Errors in a new Columbia Basin Bulletin article on Columbia/Snake dam permits and TMDL

I am talking to Bill Crampton, the CBB editor, right now, he is going to make the change online.  
Mary Lou

---

**Mary Lou Soscia | Columbia River Coordinator | US EPA**  
805 S.W. Broadway, Suite 500 | Portland, OR 97205  
503.326.5873  
[www.epa.gov/columbiariver](http://www.epa.gov/columbiariver)

---

**From:** Wu, Jennifer  
**Sent:** Friday, February 08, 2019 10:04 AM  
**To:** Holsman, Marianne <Holsman.Marianne@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>  
**Cc:** Opalski, Dan <Opalski.Dan@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>  
**Subject:** Errors in a new Columbia Basin Bulletin article on Columbia/Snake dam permits and TMDL

Hi Marianne and Mark, just FYI that the Columbia Basin Bulletin came out with an article on the Lower Columbia and Lower Snake dams, our request to withdraw the 401 cert, and the TMDL. Ecology's communications office may be sending a letter to the editor. Just forwarding this to you in case the agency also wants to add some corrections. The big error on the permits is that it says they have temperature and dissolved gas limits. There are some other smaller errors – the article says we have 6 permits (wrong) then says 9 permits (right).

---

**From:** Brown, Chad (ECY) <CHBR461@ECY.WA.GOV>  
**Sent:** Friday, February 08, 2019 9:49 AM  
**To:** Wu, Jennifer <Wu.Jennifer@epa.gov>  
**Subject:** RE: FYI on a new CBB article

Since Ecology is quoted in several places, I have noted the error to our communications staff too, and we may be sending an email or call to correct. But it seems that it would be good for the editor to hear from both our agencies on this. Just a suggestion.

Best,  
Chad

---

**From:** Wu, Jennifer <Wu.Jennifer@epa.gov>  
**Sent:** Friday, February 8, 2019 9:44 AM  
**To:** Brown, Chad (ECY) <CHBR461@ECY.WA.GOV>  
**Subject:** RE: FYI on a new CBB article

Thanks, Chad. You're right about there being some big errors in the article – temp and TDG limits. Thanks for the article – I'll pass it on!

---

**From:** Brown, Chad (ECY) <[CHBR461@ECY.WA.GOV](mailto:CHBR461@ECY.WA.GOV)>

**Sent:** Friday, February 08, 2019 9:42 AM

**To:** Wu, Jennifer <[Wu.Jennifer@epa.gov](mailto:Wu.Jennifer@epa.gov)>

**Subject:** FYI on a new CBB article

Hi Jenny,

FYI- new article from CBB. I wanted to make you aware of the fairly significant errors in the second paragraph.

<http://www.cbbulletin.com/442118.aspx>

Chad

Chad Brown | Water Quality Management Unit Supervisor | Washington Department of Ecology  
[chad.brown@ecy.wa.gov](mailto:chad.brown@ecy.wa.gov) | 360-407-6128

Message

---

**From:** Poulsom, Susan [Poulsom.Susan@epa.gov]  
**Sent:** 2/2/2019 12:33:20 AM  
**To:** Lidgard, Michael [Lidgard.Michael@epa.gov]  
**Subject:** FW: Withdraw of 401(a)(2) request on NPDES permits for WA federal dams on the Columbia and Snake Rivers  
**Attachments:** 2019\_02\_01\_Wigal\_401 Withdrawal.pdf

Should have cc you

---

**From:** Poulsom, Susan  
**Sent:** Friday, February 01, 2019 4:19 PM  
**To:** WIGAL Jennifer <WIGAL.Jennifer@deq.state.or.us>  
**Cc:** Opalski, Dan <Opalski.Dan@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>  
**Subject:** Withdraw of 401(a)(2) request on NPDES permits for WA federal dams on the Columbia and Snake Rivers

Jennifer –

Attached is the letter withdrawing our request for review of the WA federal dam permits.

Susan Poulsom PE  
US EPA Region 10  
Office of Water and Watersheds, NPDES Permits Unit  
(206) 553-6258



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3123

OFFICE OF  
WATER AND WATERSHEDS

FEB 01 2019

Ms. Jennifer Wigal  
Deputy Administrator  
Water Quality Division  
Oregon Department of Environmental Quality  
700 NE Multnomah Street, Suite 600  
Portland, Oregon 97232

Re: Withdrawal of Request for Review of NPDES Draft Permits under Clean Water Act Section 401(a)(2)

Dear Ms. Wigal:

With this letter, the U.S. Environmental Protection Agency is withdrawing our request of the Oregon Department of Environmental Quality for review under Section 401(a)(2) of the Clean Water Act of the draft NPDES permits for the following eight federal hydroelectric generating facilities in Washington:

Bonneville Project, WA0026778  
The Dalles Lock and Dam, WA0026701  
John Day Project, WA0026832  
McNary Lock and Dam, WA0026824  
Ice Harbor Lock and Dam, WA0026816  
Lower Monumental Lock and Dam, WA0026808  
Little Goose Lock and Dam, WA0026786  
Lower Granite Lock and Dam, WA0026794

On October 1, 2018, the EPA sent the preliminary draft NPDES permit documents for ODEQ's review under Section 401(a)(2) of the Clean Water Act. Please return to us the materials that we provided with our request. When we determine that a renewed request for review is appropriate, we will be in further communication with appropriately updated materials. If you have any questions on this matter, please do not hesitate to contact me at (206) 553-1855.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel D. Opalski", written over a horizontal line.

Daniel D. Opalski, Director  
Office Water and Watersheds

Message

---

**From:** Poulsom, Susan [Poulsom.Susan@epa.gov]  
**Sent:** 2/2/2019 12:32:13 AM  
**To:** todd.thorn@colvilletribes.com  
**CC:** Opalski, Dan [Opalski.Dan@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Wu, Jennifer [Wu.Jennifer@epa.gov]  
**Subject:** Withdraw of 401 cert request for Grand Coulee Dam  
**Attachments:** 2019\_02\_01\_Colville\_401 Withdrawal.pdf

Todd –

Attached is the letter withdrawing our request for 401 certification of the NPDES permit for the Grand Coulee Dam.

Susan Poulsom PE  
US EPA Region 10  
Office of Water and Watersheds, NPDES Permits Unit  
(206) 553-6258



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3123

OFFICE OF  
WATER AND WATERSHEDS

FEB 01 2019

Mr. Todd Thorn  
Watershed Program Manager  
Office of Environmental Trust  
Confederated Tribes of the Colville Reservation  
P.O. Box 150  
Nespelem, Washington 99155

Re: Withdrawal of Request for Clean Water Act Section 401 Certification of Grand Coulee Dam,  
NPDES Permit No. WA0026867

Dear Mr. Thorn:

With this letter, the U.S. Environmental Protection Agency is withdrawing our request of the Confederated Tribes of the Colville Reservation (Colville Tribes) for certification under Section 401 of the Clean Water Act of the draft NPDES permit for the Grand Coulee Dam. The EPA sent the preliminary draft NPDES permit documents and requested the Colville Tribes' Clean Water Act 401 certification on October 4, 2018.

Please return to us the materials that we provided with our certification request. When we determine that a renewed request for water quality certification is appropriate, we will be in further communication with appropriately updated materials. If you have any questions on this matter, please do not hesitate to contact me at (206) 553-1855.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel D. Opalski", is written over a horizontal line.

Daniel D. Opalski, Director  
Office Water and Watersheds



Message

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**From:** Wu, Jennifer [Wu.Jennifer@epa.gov]  
**Sent:** 1/28/2019 9:59:53 PM  
**To:** Lidgard, Michael [Lidgard.Michael@epa.gov]; Poulsom, Susan [Poulsom.Susan@epa.gov]  
**Subject:** RE: Extension Request

As in the email below and looking at our response letter to Ecology, we granted them until February 1 to respond to us. They are now requesting until February 28, so we need to respond before this Friday to grant them an extension. Ideally, if Chris H can email them back confirming the extension, I will use those emails as part of the permit records.

---

**From:** Lidgard, Michael  
**Sent:** Monday, January 28, 2019 1:07 PM  
**To:** Poulsom, Susan <Poulsom.Susan@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>  
**Subject:** FW: Extension Request  
**Importance:** High

Hi, please see below. I just talked to Vince and would like to bounce a few things off you two ASAP. Dan and Chris also want to get back to Maia soon. thanks

---

**From:** McGowan, Vincent (ECY) <[vmcg461@ECY.WA.GOV](mailto:vmcg461@ECY.WA.GOV)>  
**Sent:** Monday, January 28, 2019 10:38 AM  
**To:** Lidgard, Michael <[Lidgard.Michael@epa.gov](mailto:Lidgard.Michael@epa.gov)>  
**Subject:** FW: Extension Request  
**Importance:** High

Hello Mike –

Welcome back. I'm sure you have a huge volume of items stacked up. I would like to discuss this request and what process we have in mind with you today or tomorrow if possible.

Thanks-

Vince McGowan, PE | Section Manager | Ecology | Water Quality | ph.360-407-6460

---

**From:** Bellon, Maia (ECY)  
**Sent:** Friday, January 25, 2019 2:40 PM  
**To:** Bartlett, Heather (ECY) <[heba461@ECY.WA.GOV](mailto:heba461@ECY.WA.GOV)>  
**Cc:** McGowan, Vincent (ECY) <[vmcg461@ECY.WA.GOV](mailto:vmcg461@ECY.WA.GOV)>; Mena, Sharlett (ECY) <[mesh461@ECY.WA.GOV](mailto:mesh461@ECY.WA.GOV)>; Peck, Sandi (ECY) <[spec461@ECY.WA.GOV](mailto:spec461@ECY.WA.GOV)>  
**Subject:** Fwd: Extension Request

FYI...I haven't received the formal email response yet...

Sent from my iPhone

Begin forwarded message:

**From:** <[maib461@ECY.WA.GOV](mailto:maib461@ECY.WA.GOV)>  
**Date:** January 25, 2019 at 1:32:46 PM PST

**To:** <hladick.christopher@epa.gov>

**Subject: Extension Request**

Chris,

The Department of Ecology appreciates EPA's cooperation on December 18, 2018, in extending our review period to February 1, 2019 for consideration of 401 certification for the nine draft individual permits for federal hydroelectric generating facilities on the Columbia and Lower Snake Rivers. After further review, we will initiate the required public notice and comment period of our draft 401 certifications the week of January 28, 2019 for the facilities and the associated draft NPDES permits EPA has developed and submitted to us.

This means that we will finalize the 401 certifications for the nine facilities following our formal public review period and therefore require time beyond February 1, 2019, to complete our state process. Ecology is not waiving our right to certify, but will need additional time to ensure the state's requirements for public review and comment process are met.

Please confirm EPA's agreement to allow additional time for Ecology to meet state processes and extend our deadline to February 28, 2019.

Thank you,

Maia Bellon, Director  
Washington State Department of Ecology

Message

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**From:** WIGAL Jennifer [Jennifer.WIGAL@state.or.us]  
**Sent:** 1/30/2019 4:55:20 PM  
**To:** Lidgard, Michael [Lidgard.Michael@epa.gov]; 'WIGAL Jennifer' [Jennifer.WIGAL@state.or.us]; 'MOORE Beth' [Beth.MOORE@state.or.us]; 'MRAZIK Steve' [Steve.MRAZIK@state.or.us]  
**CC:** Poulson, Susan [Poulson.Susan@epa.gov]; Wu, Jennifer [Wu.Jennifer@epa.gov]  
**Subject:** RE: 401(a)(2) request on NPDES permits for WA federal dams on the Columbia and Snake Rivers  
**Attachments:** ATT00001.txt

Thank you, Mike! We'll be in touch shortly to try to coordinate schedules.

---

**From:** Lidgard, Michael <Lidgard.Michael@epa.gov>  
**Sent:** Wednesday, January 30, 2019 8:50 AM  
**To:** WIGAL Jennifer <Jennifer.WIGAL@state.or.us>; MOORE Beth <Beth.MOORE@state.or.us>; MRAZIK Steve <Steve.MRAZIK@state.or.us>  
**Cc:** Poulson, Susan <Poulson.Susan@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>  
**Subject:** RE: 401(a)(2) request on NPDES permits for WA federal dams on the Columbia and Snake Rivers

Hi Jennifer: Per this email EPA is granting an extension to Oregon for a response to EPA's request for a 401(a)(2) response related to NPDES permit issuance to federal dams on the Columbia and Snake Rivers. We are extending the date for a response to February 28, 2019 as requested, and consistent with the 401 timeline that has been set with the Department of Ecology. We look forward to meeting soon to discuss our timeline for the permits and to hear Oregon's perspective on this permit project. thank you –

*Mike Lidgard, Manager  
NPDES Permits Unit  
U.S. EPA Region 10  
(206) 553-1755*

---

**From:** WIGAL Jennifer <Jennifer.WIGAL@state.or.us>  
**Sent:** Tuesday, January 29, 2019 12:45 PM  
**To:** MOORE Beth <Beth.MOORE@state.or.us>; MRAZIK Steve <Steve.MRAZIK@state.or.us>; Wu, Jennifer <Wu.Jennifer@epa.gov>  
**Cc:** Lidgard, Michael <Lidgard.Michael@epa.gov>; Poulson, Susan <Poulson.Susan@epa.gov>  
**Subject:** RE: 401(a)(2) request on NPDES permits for WA federal dams on the Columbia and Snake Rivers

Thank you, Jenny. We would also like to request an extension so that Oregon's timeline comports with the timeline that EPA has set for Ecology. I also think it would be beneficial for us to schedule a brief meeting to discuss Oregon's perspective on this and for us to better understand EPA's anticipated timeline for the permits. Steve Mrazik is currently out of the office on travel and when he returns later this week, one of us will follow up with you to get a meeting scheduled.

Please let us know if you need anything else in the interim.

Best,  
Jennifer



**Jennifer Wigal**  
Deputy Administrator  
Water Quality Division  
Ph. (503) 229-5323  
Cell (503) 535-9763  
[Wigal.Jennifer@deg.state.or.us](mailto:Wigal.Jennifer@deg.state.or.us)

Oregon Department of Environmental Quality  
700 NE Multnomah St, Suite 600  
Portland, OR 97232

---

**From:** Wu, Jennifer <[Wu.Jennifer@epa.gov](mailto:Wu.Jennifer@epa.gov)>  
**Sent:** Tuesday, January 29, 2019 11:45 AM  
**To:** WIGAL Jennifer <[WIGAL.Jennifer@deg.state.or.us](mailto:WIGAL.Jennifer@deg.state.or.us)>; MRAZIK Steve <[MRAZIK.Steve@deg.state.or.us](mailto:MRAZIK.Steve@deg.state.or.us)>; MOORE Beth <[Beth.MOORE@state.or.us](mailto:Beth.MOORE@state.or.us)>  
**Cc:** Lidgard, Michael <[Lidgard.Michael@epa.gov](mailto:Lidgard.Michael@epa.gov)>; Poulson, Susan <[Poulson.Susan@epa.gov](mailto:Poulson.Susan@epa.gov)>  
**Subject:** FW: 401(a)(2) request on NPDES permits for WA federal dams on the Columbia and Snake Rivers

Hi Jennifer and Steve (cc: Beth),

I spoke with Beth today on EPA's 401(a)(2) request to DEQ on the federal WA dam permits in the lower Columbia and Snake rivers. We had extended the timeline for the completion of the 401(a)(2) request per DEQ's request to February 1. This date corresponded with the date that we gave to Ecology for their 401(a)(1) certification on the permits. This week, Ecology requested until February 28, 2019 to complete their 401(a)(1) certification, which we will be granting. FYI that they will be going out for a 20-day public comment period as required by WA state regulations tomorrow, 1/30, stating that EPA has requested a draft 401 certification on the permits. It will not include the 401 certification itself, only a notice that EPA has requested a 401 certification from them.

I'm writing to see whether DEQ is interested in an extension in the 401(a)(2) process. If so, please let us know. Also, if you are interested in an extension and have concerns, we would like to set up a meeting to talk about these concerns in the next 1-2 weeks. This will help us in developing the draft permits, which we hope to release for public comment in the first two weeks of March 2019.

Thanks very much. If you have questions, please don't hesitate to contact me or your EPA counterpart.

Jenny Wu, 206-553-6328

---

**From:** Wu, Jennifer  
**Sent:** Monday, December 17, 2018 12:24 PM  
**To:** [wigal.jennifer@deg.state.or.us](mailto:wigal.jennifer@deg.state.or.us); MRAZIK Steve <[MRAZIK.Steve@deg.state.or.us](mailto:MRAZIK.Steve@deg.state.or.us)>; MOORE Beth <[Beth.MOORE@state.or.us](mailto:Beth.MOORE@state.or.us)>  
**Cc:** Lidgard, Michael <[Lidgard.Michael@epa.gov](mailto:Lidgard.Michael@epa.gov)>; Susan Poulson <[Poulson.Susan@epa.gov](mailto:Poulson.Susan@epa.gov)>  
**Subject:** 401(a)(2) request on NPDES permits for WA federal dams on the Columbia and Snake Rivers

Hi Jennifer, Steve, and Beth,

Attached above is a copy of our letter granting ODEQ more time on the 401(a)(2) request on the NPDES permits for the WA federal dams on the Columbia and Snake Rivers. Please feel free to let us know if you have questions.

Jenny Wu  
Environmental Engineer, NPDES Permits Unit

EPA Region 10  
1200 6<sup>th</sup> Avenue, Suite 155 (OWW-191)  
Seattle, WA 98101  
206-553-6328

Message

---

**From:** Wu, Jennifer [Wu.Jennifer@epa.gov]  
**Sent:** 2/15/2019 9:43:33 PM  
**To:** Washington, Audrey [Washington.Audrey@epa.gov]  
**CC:** Lidgard, Michael [Lidgard.Michael@epa.gov]  
**Subject:** Letter for Dan's signature to Yakama Nation  
**Attachments:** 021519\_Concurrence Sheet OWW Director Signature\_WA\_hydro\_Yakama.docx;  
021519\_WA\_hydro\_permits\_update\_Yakama.docx

Hi Audrey, I have a letter for Dan's signature to the Yakama Nation on the WA hydro permits. (This is a different letter than the one I'd sent for Dan's signature to Ecology. Janice was able to finish that up for Dan's signature today.) Here are the files. Thanks!

Jenny Wu  
Environmental Engineer, NPDES Permits Unit  
EPA Region 10  
1200 6<sup>th</sup> Avenue, Suite 155 (OWW-191)  
Seattle, WA 98101  
206-553-6328

## Region 10 Office of Water and Watersheds Routing and Concurrence

Author:	Jenny Wu	Date submitted for signature:	2/15/19
Addressee:	The Honorable JoDe L. Goudy		
Subject:	Re: Status of Preliminary Draft Permits for Federal Hydroelectric Generating Facilities on the Columbia and Snake Rivers		
File Location/Name:	"G:\Baker\Water and Watersheds\N P U\Correspondence\FOR SIGNATURE 2018\021519_WA_hydro_permits_update_Yakama"		

### Program Admin Review:

Name:	Audrey Washington		
Initials/Date:			

### Program Office Concurrence:

Name:	Jenny Wu			
Initials/Date:	2/15/19			

**cc(s)** (include name, title, organization, mailing address, and email if PDF is required—attach a list if necessary)

McClure Tosch, Yakama Nation		

**bcc(s)** (include name, title, organization, mailing address, and email if PDF is required—attach a list if necessary)

--	--	--

Mailing Deadline:	2/20/19	Certified Mail:	Yes
FAX to:		FAX #:	
<b>ADDITIONAL INFO/INSTRUCTIONS:</b> (clarify whether to date stamp, distribution expectations, etc.) <b>Please Scan signed copy and email Jenny Wu. I will email the cc copies.</b>			
Filing Instructions:			
Program	X	Chrono.	X
		Other	



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3123

OFFICE OF  
WATER AND WATERSHEDS

The Honorable JoDe L. Goudy  
Chairman  
The Confederated Tribes and Bands of the Yakama Nation  
401 Fort Road  
P.O. Box 151  
Toppenish, Washington 98948

Re: Status of Preliminary Draft Permits for Federal Hydroelectric Generating Facilities on the  
Columbia and Snake Rivers

Dear Chairman Goudy:

The EPA is following up on conversations with your staff on possible formal tribal consultation on the preliminary draft National Pollutant Discharge Elimination System (NPDES) permits for eight federal hydroelectric generating facilities on the Lower Columbia and Lower Snake rivers.

The EPA had planned to provide information to the Tribal Council on these permits when they were close to being available for public comment. The EPA has determined that the permits require additional internal review before making drafts available for public comment. We fully intend to complete the internal review and update the preliminary draft permits. The EPA will continue to keep you informed about the progress of these permits.

If you have any questions, please do not hesitate to contact me at (206) 553-1855.

Sincerely,

Daniel D. Opalski, Director  
Office of Water and Watersheds

Cc: McClure Tosch, Yakama Nation



Message

---

**From:** Lidgard, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CEEAAE464E754D259A772347572B7956-LIDGARD, MICHAEL]  
**Sent:** 2/21/2019 2:18:28 AM  
**To:** Wu, Jennifer [Wu.Jennifer@epa.gov]  
**Subject:** Re: FYI: link to article on WA federal permits and reference to TMDL study

Thanks for sharing this.

Sent from my iPhone

On Feb 20, 2019, at 3:53 PM, Wu, Jennifer <Wu.Jennifer@epa.gov> wrote:

Here's a link to the article on the WA federal permits and TMDL in US News and World Report from yesterday.

<https://www.usnews.com/news/best-states/articles/2019-02-19/washington-state-expected-to-regulate-federal-dams-that-are-harming-its-rivers>

### Washington State Expected to Regulate Federal Dams

# Ex. 4 Copyright

# Ex. 4 Copyright

Jenny Wu  
Environmental Engineer, NPDES Permits Unit  
EPA Region 10  
1200 6<sup>th</sup> Avenue, Suite 155 (OWW-191)  
Seattle, WA 98101  
206-553-6328

Message

---

**From:** Lidgard, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CEEAAE464E754D259A772347572B7956-LIDGARD, MICHAEL]  
**Sent:** 2/19/2019 5:20:05 PM  
**To:** MacIntyre, Mark [Macintyre.Mark@epa.gov]  
**Subject:** Fwd: Letter on WA federal hydroelectric facilities NPDES permits  
**Attachments:** 021519\_Opalski\_to\_Bartlett\_WA\_hydro\_permits.pdf; ATT00001.htm

Just fyi

Sent from my iPhone

Begin forwarded message:

**From:** "Wu, Jennifer" <Wu.Jennifer@epa.gov>  
**Date:** February 19, 2019 at 9:02:01 AM PST  
**To:** "McGowan, Vincent (ECY)" <vmcg461@ECY.WA.GOV>, "eleanor.ott@ecy.wa.gov" <eleanor.ott@ecy.wa.gov>  
**Cc:** "Lidgard, Michael" <Lidgard.Michael@epa.gov>  
**Subject:** Letter on WA federal hydroelectric facilities NPDES permits

Hi Vince and Ellie,

This is a letter from Dan Opalski to Heather Bartlett responding to Ecology's February 5, 2019 letter on the 401 certification for the WA federal dam NPDES permits. Feel free to let us know if you have any questions.

Jenny Wu  
Environmental Engineer, NPDES Permits Unit  
EPA Region 10  
1200 6<sup>th</sup> Avenue, Suite 155 (OWW-191)  
Seattle, WA 98101  
206-553-6328



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3123

OFFICE OF  
WATER AND WATERSHEDS

FEB 15 2019

Ms. Heather R. Bartlett  
Water Quality Program Manager  
Washington Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

Re: Status of Preliminary Draft Permits for Federal Hydroelectric Generating Facilities on the  
Columbia and Snake Rivers

Dear Ms. Bartlett:

Thank you for your letter on February 5, 2019 in response to the EPA's notification to withdraw our request for Clean Water Act (CWA) Section 401 certification for the preliminary draft National Pollutant Discharge Elimination System (NPDES) permits for nine federal hydroelectric generating facilities on the Columbia and Snake Rivers.

The EPA determined that the permits require additional internal review and therefore withdrew the requests for water quality certification at this time. We fully intend to request CWA Section 401 certification from Washington Department of Ecology after completing the internal review and updating the preliminary draft permits. We also look forward to continuing to work together as we develop these permits.

If you have any questions, please do not hesitate to contact me at (206) 553-1855.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel D. Opalski".

Daniel D. Opalski, Director  
Office of Water and Watersheds

Cc: Vince McGowan, Washington Department of Ecology  
Ellie Ott, Washington Department of Ecology

Message

---

**From:** Lidgard, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CEEAAE464E754D259A772347572B7956-LIDGARD, MICHAEL]  
**Sent:** 1/29/2019 9:45:57 PM  
**To:** Wu, Jennifer [Wu.Jennifer@epa.gov]; Merz, Martin [merz.martin@epa.gov]; Stoddard, Jamey [Stoddard.Jamey@epa.gov]  
**CC:** Burgess, Karen [Burgess.Karen@epa.gov]; Poulson, Susan [poulson.susan@epa.gov]  
**Subject:** FW: Ecology's proposal to allow more water to spill over dams, help salmon migrate

Fyi re dam operations..

---

**From:** Edmondson, Lucy  
**Sent:** Tuesday, January 29, 2019 1:25 PM  
**To:** Opalski, Dan <Opalski.Dan@epa.gov>; Croxton, David <Croxton.David@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Shaw, Hanh <Shaw.Hanh@epa.gov>  
**Subject:** FW: Ecology's proposal to allow more water to spill over dams, help salmon migrate

FYI

Lucy Edmondson  
Director, Washington Operations Office  
US EPA Region 10  
300 Desmond Drive  
Lacey, WA 98503

office: 360.753.9082  
cell: 206.735.5301

---

**From:** Adams, Kimberly (ECY) <KJUN461@ECY.WA.GOV> **On Behalf Of** Bartlett, Heather (ECY)  
**Sent:** Tuesday, January 29, 2019 1:20 PM  
**To:** Bartlett, Heather (ECY) <heba461@ECY.WA.GOV>  
**Cc:** Bryson Finch <bfin461@ecy.wa.gov>; Conklin, Becca (ECY) <bcon461@ECY.WA.GOV>  
**Subject:** Ecology's proposal to allow more water to spill over dams, help salmon migrate

As announced by the Governor's Office, Ecology is proposing a short-term modification that would allow more water to spill over the dams, with the goal of improving the survival of juvenile salmon migrating to the ocean. This proposal is supportive of the new agreement for flexible spill operations at four lower Columbia and four lower Snake River dams. The short-term modification would apply to state Water Quality Standards, specifically the Total Dissolved Gas criteria.

Drafts of our Environmental Impact Statement and short-term modification are now available for public comment. The comment period is from **Jan. 29 to Feb. 28, 2019**.

Information on how to comment and on our upcoming hearings can be found in our blog post.

If you have question, please contact me or Bryson Finch at bryson.finch@ecy.wa.gov or (360) 407-7158.

*Heather Bartlett*

Water Quality Program Manager  
Department of Ecology  
PO Box 47696  
Olympia WA 98504-7696  
Phone (360) 407-6405

Message

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**From:** Lidgard, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CEEAAE464E754D259A772347572B7956-LIDGARD, MICHAEL]  
**Sent:** 2/14/2019 11:46:01 PM  
**To:** Opalski, Dan [Opalski.Dan@epa.gov]  
**CC:** Wu, Jennifer [Wu.Jennifer@epa.gov]  
**Subject:** FW: Draft letter to Yakama Nation on WA hydro permits  
**Attachments:** 021419\_WA\_hydro\_permits\_update\_Yakama.docx

Dan, similar update for the Yakima per a request from McClure Tosch. - Mike

---

**From:** Wu, Jennifer  
**Sent:** Thursday, February 14, 2019 3:04 PM  
**To:** Lidgard, Michael <Lidgard.Michael@epa.gov>  
**Subject:** Draft letter to Yakama Nation on WA hydro permits

Hi Mike,

McClure Tosch from Yakama Nation suggested that a formal letter from Dan to the tribal chair regarding the status of the permits would be advisable. Here's a draft for you and Dan to review.

Jenny Wu  
Environmental Engineer, NPDES Permits Unit  
EPA Region 10  
1200 6<sup>th</sup> Avenue, Suite 155 (OWW-191)  
Seattle, WA 98101  
206-553-6328



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3123

OFFICE OF  
WATER AND WATERSHEDS

The Honorable JoDe L. Goudy  
Chairman  
The Confederated Tribes and Bands of the Yakama Nation  
401 Fort Road  
P.O. Box 151  
Toppenish, Washington 98948

Re: Status of Preliminary Draft Permits for Federal Hydroelectric Generating Facilities on the  
Columbia and Snake Rivers

Dear Chairman Goudy:

The EPA is following up on conversations with your staff on possible formal tribal consultation on the  
the preliminary draft National Pollutant Discharge Elimination System (NPDES) permits for:

Lower Columbia River

Bonneville Project, NPDES Permit No. WA0026778  
The Dalles Lock and Dam, NPDES Permit No. WA0026701  
John Day Project, NPDES Permit No. WA0026832  
McNary Lock and Dam, NPDES Permit No. WA0026824

Lower Snake River

Ice Harbor Lock and Dam, NPDES Permit No. WA0026816  
Lower Monumental Lock and Dam, NPDES Permit No. WA0026808  
Little Goose Lock and Dam, NPDES Permit No. WA0026786  
Lower Granite Lock and Dam, NPDES Permit No. WA0026794

The EPA had planned to provide information to the Tribal Council on these permits when they were  
close to being available for public comment. The EPA has determined that the permits require additional  
internal review before making drafts available for public comment. We fully intend to complete the  
internal review and update the preliminary draft permits. The EPA will continue to keep you informed  
about the progress of these permits.

If you have any questions, please do not hesitate to contact me at (206) 553-1855.

Sincerely,



Daniel D. Opalski, Director  
Office of Water and Watersheds

Cc: McClure Tosch

[ PAGE \\* MERGEFORMAT ]

Message

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**From:** Lidgard, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CEEAAE464E754D259A772347572B7956-LIDGARD, MICHAEL]  
**Sent:** 2/14/2019 11:43:46 PM  
**To:** Opalski, Dan [Opalski.Dan@epa.gov]  
**CC:** Wu, Jennifer [Wu.Jennifer@epa.gov]  
**Subject:** FW: Response to 401 Certification Request Withdrawal  
**Attachments:** 021419\_Opalski\_to\_Bartlett\_WA\_hydro\_permits ml.docx

Hi Dan. Here's a draft response to Ecology that Jenny put together for your review. thanks

---

**From:** Wu, Jennifer  
**Sent:** Thursday, February 14, 2019 1:57 PM  
**To:** Lidgard, Michael <Lidgard.Michael@epa.gov>  
**Subject:** RE: Response to 401 Certification Request Withdrawal

Mike, here's what I drafted for your and Dan's review before sending off to HQ. I'll draft something for Yakama Nation for you to look at later today.

---

**From:** Lidgard, Michael  
**Sent:** Thursday, February 14, 2019 1:19 PM  
**To:** Wu, Jennifer <Wu.Jennifer@epa.gov>  
**Subject:** FW: Response to 401 Certification Request Withdrawal

Hi Jenny, Dan asked us to respond to Ecology's letter. Primarily since it is a state/tribal request and automatically goes in the controlled correspondence process. A reporter asked for our response today and that reminded Dan that we should get a letter to WA.

Could you draft a short response? Dan said to have it follow the press statement that HQ has approved. We will run this response through HQ before sending. Thanks - Mike

---

**From:** Opalski, Dan  
**Sent:** Thursday, February 7, 2019 6:13 AM  
**To:** Lidgard, Michael <Lidgard.Michael@epa.gov>; Poulson, Susan <Poulson.Susan@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>  
**Cc:** Weber, Courtney <Weber.Courtney@epa.gov>  
**Subject:** Fwd: Response to 401 Certification Request Withdrawal

Sent from my iPhone

Begin forwarded message:

**From:** "Bartlett, Heather (ECY)" <heba461@ECY.WA.GOV>  
**Date:** February 5, 2019 at 5:12:57 PM PST  
**To:** "Opalski, Dan" <Opalski.Dan@epa.gov>  
**Cc:** "Bartlett, Heather (ECY)" <heba461@ECY.WA.GOV>, "Gildersleeve, Melissa (ECY)" <MGIL461@ECY.WA.GOV>, "McGowan, Vincent (ECY)" <vmcg461@ECY.WA.GOV>, "Mena, Sharlett (ECY)" <mesh461@ECY.WA.GOV>  
**Subject:** Response to 401 Certification Request Withdrawal

Please find attached Ecology's response to your withdrawal request to 401 certification.

Let me know if you have questions.

Heather

*Heather Bartlett*

Water Quality Program Manager

Department of Ecology

PO Box 47696

Olympia WA 98504-7696

Phone (360) 407-6405



**UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY**

**REGION 10**  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3123

OFFICE OF  
WATER AND WATERSHEDS

Ms. Heather R. Bartlett  
Water Quality Program Manager  
Washington Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

Re: Status of Preliminary Draft Permits for Federal Hydroelectric Generating Facilities on the  
Columbia and Snake Rivers

Dear Ms. Bartlett:

Thank you for your letter on February 5, 2019 in response to the EPA's notification to withdraw our request for Clean Water Act (CWA) Section 401 certification for the following preliminary draft National Pollutant Discharge Elimination System (NPDES) permits:

Lower Columbia River

Bonneville Project, NPDES Permit No. WA0026778  
The Dalles Lock and Dam, NPDES Permit No. WA0026701  
John Day Project, NPDES Permit No. WA0026832  
McNary Lock and Dam, NPDES Permit No. WA0026824

Lower Snake River

Ice Harbor Lock and Dam, NPDES Permit No. WA0026816  
Lower Monumental Lock and Dam, NPDES Permit No. WA0026808  
Little Goose Lock and Dam, NPDES Permit No. WA0026786  
Lower Granite Lock and Dam, NPDES Permit No. WA0026794

Grand Coulee Dam, NPDES Permit No. WA0026867

You had asked for the reason that the EPA is withdrawing its request for CWA Section 401 certification for the preliminary draft permits for federal hydroelectric generating facilities. The EPA determined that the permits require we needed additional internal review and therefore withdrew the requests for water quality certification at this time. We fully intend to request CWA Section 401 certification from Washington Department of Ecology after completing the internal review and updating the preliminary draft permits. We also look forward to continuing to work together as we continue developing these permits.

If you have any questions, please do not hesitate to contact me at (206)553-1855.

-----Sincerely,

Daniel D. Opalski, Director  
Office of Water and Watersheds

Cc: Vince McGowan, Washington Department of Ecology  
Ellie Ott, Washington Department of Ecology

Message

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**From:** Wu, Jennifer [Wu.Jennifer@epa.gov]  
**Sent:** 1/31/2019 9:45:24 PM  
**To:** Wilson, Brian J CIV USARMY CENWS (US) [Brian.J.Wilson@usace.army.mil]  
**CC:** Merz, Martin [merz.martin@epa.gov]  
**Subject:** Chief Joe NPDES permit contact

Hi Brian, I just wanted to let you know that Martin Merz, cc:ed above, is going to be the NPDES permit writer for the Chief Joseph dam, so he'll be your contact. He was in the Corps office when we met, and he and I are working together on the NPDES permits for the other Corps dams and Grand Coulee.

Jenny Wu  
Environmental Engineer, NPDES Permits Unit  
EPA Region 10  
1200 6<sup>th</sup> Avenue, Suite 155 (OWW-191)  
Seattle, WA 98101  
206-553-6328

Message

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**From:** Wilson, Brian J CIV USARMY CENWS (US) [Brian.J.Wilson@usace.army.mil]  
**Sent:** 2/5/2019 10:14:56 PM  
**To:** Merz, Martin [merz.martin@epa.gov]; Wu, Jennifer [Wu.Jennifer@epa.gov]  
**CC:** Grip, Marshall A CIV USARMY CENWS (US) [Marshall.A.Grip@usace.army.mil]  
**Subject:** RE: Chief Joe NPDES permit contact

Perfect, thanks Martin...

-Brian

-----Original Message-----

From: Merz, Martin [mailto:merz.martin@epa.gov]  
Sent: Tuesday, February 5, 2019 14:09  
To: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>; Wu, Jennifer <Wu.Jennifer@epa.gov>  
Cc: Grip, Marshall A CIV USARMY CENWS (US) <Marshall.A.Grip@usace.army.mil>  
Subject: [Non-DoD Source] RE: Chief Joe NPDES permit contact

Hi Brian and Marshall,

Sounds good! I'm going to include Jenny for this first meeting since she might have helpful input upfront as we get the ball rolling.

We're available:  
Thursday or Friday morning (2/7 & 2/8) before noon.  
Monday 2/11 anytime  
Tuesday 2/12 after 1  
Friday 2/15 before noon  
Monday 2/18 before 11 or after 12.

Let us know what works on your end, or feel free to suggest other times.

Best,

Martin Merz  
Physical Scientist - EPA Region 10  
merz.martin@epa.gov  
206-553-0205

-----Original Message-----

From: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>  
Sent: Tuesday, February 5, 2019 8:12 AM  
To: Merz, Martin <merz.martin@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>  
Cc: Grip, Marshall A CIV USARMY CENWS (US) <Marshall.A.Grip@usace.army.mil>  
Subject: RE: Chief Joe NPDES permit contact

Thank you Martin. We look forward to working with you as well. I've cc'd our Chief Joseph dam Project ECC (Marshall Grip) as he will also be a main POC as we move through this application process.

We initiated our internal PDT meeting yesterday and have a solid path forward. However, there are a few questions we have requiring your input. I'd like to set up a meeting with you in the next couple weeks to discuss further. Please advise as to your availability and I'll set something up for a teleconference.

-Brian

-----Original Message-----

From: Merz, Martin [mailto:merz.martin@epa.gov]  
Sent: Monday, February 4, 2019 17:16  
To: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>; Wu, Jennifer <Wu.Jennifer@epa.gov>  
Subject: [Non-DoD Source] RE: Chief Joe NPDES permit contact

Hi Brian,

Sounds great! I look forward to working with you on this project.

Best,

Martin Merz  
Physical Scientist - EPA Region 10

merz.martin@epa.gov  
206-553-0205

-----Original Message-----

From: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>  
Sent: Monday, February 4, 2019 7:18 AM  
To: Wu, Jennifer <Wu.Jennifer@epa.gov>  
Cc: Merz, Martin <merz.martin@epa.gov>  
Subject: RE: Chief Joe NPDES permit contact

Thanks Jenny. I'll continue coordinating with Martin as we move forward with the permit process.

-Brian

-----Original Message-----

From: Wu, Jennifer [mailto:Wu.Jennifer@epa.gov]  
Sent: Thursday, January 31, 2019 13:45  
To: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>  
Cc: Merz, Martin <merz.martin@epa.gov>  
Subject: [Non-DoD Source] Chief Joe NPDES permit contact

Hi Brian, I just wanted to let you know that Martin Merz, cc:ed above, is going to be the NPDES permit writer for the Chief Joseph dam, so he'll be your contact. He was in the Corps office when we met, and he and I are working together on the NPDES permits for the other Corps dams and Grand Coulee.

Jenny Wu

Environmental Engineer, NPDES Permits Unit

EPA Region 10

1200 6th Avenue, Suite 155 (OWW-191)

Seattle, WA 98101

206-553-6328



Message

---

**From:** Clayton, Alexandra L. [clayton.alexandra@epa.gov]  
**Sent:** 2/5/2019 7:00:11 PM  
**To:** Merz, Martin [merz.martin@epa.gov]  
**Subject:** ESA work done on BE  
**Attachments:** 2.5.WA\_Hydro\_BE\_LowerColumbiaLowerSnake .docx

Hi,

Attached is the most updated form of the BE. The ESA section (pg. 41-79) is done (including all references), though there are a couple notes sprinkled throughout that pertain to a bit of what we talked about yesterday i.e. Ex. 5 Deliberative Process (DP)  
Ex. 5 Deliberative Process (DP). I assume John should take a look at that and make a final decision.

Let me know if any parts need clarification or updating!

-Alex

Alex Clayton  
ORISE Participant  
ORISE Internship/Research Participation Program at EPA  
Office of Water and Watersheds  
U.S. Environmental Protection Agency, Region 10  
Phone Number: (206) 553-2725  
[clayton.alexandra@epa.gov](mailto:clayton.alexandra@epa.gov)

Message

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**From:** Merz, Martin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=03939A84614842D2852CB6B7F26AA852-MERZ, MARTI]  
**Sent:** 2/13/2019 5:22:18 PM  
**To:** Don.E.Redman@usace.army.mil; kenneth.d.duncan@usace.army.mil  
**CC:** Wu, Jennifer [Wu.Jennifer@epa.gov]  
**Subject:** PCB's in Lower Columbia and Lower Snake Dam NPDES Permits

Hi Don and Ken,

I hope you're both well.

I'm ironing out the PCB portion of the NPDES permits for the Lower Columbia and Lower Snake dams. The information we talked about in person was helpful to understand that the Corps is doing a lot of work on PCBs. However, I'm hoping to understand more specifics about the efforts that are already underway at the dams in regard to PCB's such as monitoring, BMP's and tracking – preferably with any documentation or data you have in writing. What exactly is required of these dams under the TSCA? Are you working with anyone at EPA on this? Any information you can share will help me ensure that anything we include in the permits isn't repetitive and that to the extent that there is potential overlap, we can rely on and point to work already being done.

Analytical issues are likely to be a limiting factor with this portion of the permits. We want to really think through what information would be generated through different monitoring approaches and what we would do with this information. BMP's and the development of a PCB Plan of sorts may be more practical in some cases.

Any documents and information you can share via email is helpful. If it makes sense to schedule a meeting to discuss I'm very open to that.

Best,

Martin Merz  
Physical Scientist – NPDES Permits Unit  
EPA Region 10  
[merz.martin@epa.gov](mailto:merz.martin@epa.gov)  
206-553-0205

Message

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**From:** Merz, Martin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=03939A84614842D2852CB6B7F26AA852-MERZ, MARTI]  
**Sent:** 2/11/2019 6:50:23 PM  
**To:** Wilson, Brian J CIV USARMY CENWS (US) [Brian.J.Wilson@usace.army.mil]; Grip, Marshall A CIV USARMY CENWS (US) [Marshall.A.Grip@usace.army.mil]  
**CC:** Wu, Jennifer [Wu.Jennifer@epa.gov]  
**Subject:** RE: NPDES Discussion with EPA

Hi Brian and Marshall,

Thanks so much for the productive conversation this morning.

I wanted to follow up on a few points, please share with Harlin as you see fit:

- 1) I mentioned that we would be aiming to turn the permit around in 6 months once we receive a complete permit application. This is true, but I wanted to caveat this answer with a few procedures that EPA goes through before issuing final permits that have the potential to extend our process:
  - 401 water quality certification from states and tribes: we share draft permits with states and tribes adjacent to the receiving water, in this case WA and the Colville Tribe, for their certification that the permits will result in discharges that meet their water quality standards.
  - Tribal consultation – we share draft permits and consult with interested tribes, taking their concerns into account.
  - ESA consultation – we write a Biological Evaluation describing if/how the proposed allowed discharges would impact endangered species, and engage in ESA consultation with the NOAA.
  - We work with our own EPA headquarters on any policy issues that can come up during the permit writing process.

All of these procedures can be unpredictable in terms of timing. I do feel that since many issues are being worked out currently in the context of the Lower Columbia/Lower Snake/Grand Coulee Dam permit writing process, that the Chief Joseph permit writing process will be more smooth, but this is hard to predict. I just wanted to follow up to make clear that the 6 months is a goal that in this case I feel is reasonable, but that it is not set in stone.

- 2) Please see the contact information for Jenny's contacts at BOR below. Jenny is happy to make an introduction if that helps. Will be good to get in touch with them and see how they've approached some of the issues you are beginning to wrestle with.

Bryan Horsburgh  
Resource Services Manager  
Bureau of Reclamation, Pacific NW Region  
1150 N. Curtis Road, Boise ID 83706  
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Jeff DeWinkler  
Environmental Protection Specialist  
US Bureau Of Reclamation GCPO  
PO Box 620 Code 5400  
Grand Coulee, WA 99133  
(509)633-9321 wk  
(509)237-9274 cell

Be in touch with any questions or follow ups!

Martin Merz  
Physical Scientist – EPA Region 10  
[merz.martin@epa.gov](mailto:merz.martin@epa.gov)  
206-553-0205

-----Original Appointment-----

**From:** Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>

**Sent:** Wednesday, February 6, 2019 6:44 AM

**To:** Wilson, Brian J CIV USARMY CENWS (US); Grip, Marshall A CIV USARMY CENWS (US); Wu, Jennifer; Merz, Martin

**Subject:** NPDES Discussion with EPA

**When:** Monday, February 11, 2019 9:00 AM-10:00 AM (UTC-08:00) Pacific Time (US & Canada).

**Where:** Teleconference

Meeting to discuss NPDES permit application process and Q&A for Project level data collections.

Call-in:

Phone: Ex. 6 Personal Privacy (PP)

Access: Ex. 8 Personal Privacy (PP)

Security: Ex. 4 Personal Privacy (PP)

Message

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**From:** Merz, Martin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=03939A84614842D2852CB6B7F26AA852-MERZ, MARTI]  
**Sent:** 2/8/2019 6:16:19 PM  
**To:** Weber, Courtney [Weber.Courtney@epa.gov]  
**Subject:** RE: Chief Joseph Dam

I'm working from home all day, only meeting is 2-3, could you give me a call on my cell when you get a chance?

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Martin Merz  
Physical Scientist – EPA Region 10  
[merz.martin@epa.gov](mailto:merz.martin@epa.gov)  
206-553-0205

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**From:** Weber, Courtney  
**Sent:** Friday, February 8, 2019 9:49 AM  
**To:** Merz, Martin <[merz.martin@epa.gov](mailto:merz.martin@epa.gov)>  
**Subject:** RE: Chief Joseph Dam

Let me know if you're free to chat today.

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**From:** Merz, Martin  
**Sent:** Thursday, February 07, 2019 2:40 PM  
**To:** Weber, Courtney <[Weber.Courtney@epa.gov](mailto:Weber.Courtney@epa.gov)>  
**Subject:** Chief Joseph Dam

Hi Courtney,

Jenny mentioned that there is some interesting ongoing litigation in regard to Chief Joseph Dam in particular, beyond the legal context of the other dam permits which I'm already familiar with. I'm meeting with the Corps on Monday morning to discuss the timeline and contents of the Chief Joseph application they are going to submit and am hoping to go into this meeting with a better understanding of their position. If you have time could you explain some of this, just a brief big picture update would be really helpful.

Thanks!

Martin Merz  
Physical Scientist – NPDES Permits Unit  
EPA Region 10  
[merz.martin@epa.gov](mailto:merz.martin@epa.gov)  
206-553-0205

Message

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**From:** Merz, Martin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=03939A84614842D2852CB6B7F26AA852-MERZ, MARTI]  
**Sent:** 2/27/2019 11:39:42 PM  
**To:** **Ex. 6 Personal Privacy (PP)**  
**Subject:** Clean Water Act Section 401

Hi Michelle,

Nice talking with you. Please see the newspaper articles below. There are some hyperlinks embedded in these articles with more information, including press releases, public notices and letters. They are worth looking into. The section of the clean water act related to state's providing 401 certification on federal NPDES permits can be found in Section 401(a)(1).

1)

<https://www.seattletimes.com/seattle-news/environment/washington-state-to-regulate-federal-dams-on-columbia-snake-to-cool-hot-water-check-pollution/>

2)

<https://www.seattletimes.com/seattle-news/environment/epa-ices-washington-states-effort-to-regulate-hot-water-in-columbia-snake-rivers/>

3)

<https://www.usnews.com/news/best-states/articles/2019-02-19/washington-state-expected-to-regulate-federal-dams-that-are-harming-its-rivers>

I think I've shared the extent of my understanding in regard to your questions, feel free to message me back with any clarifying questions.

I hope this helps!

Martin Merz  
Physical Scientist – NPDES Permits Unit  
EPA Region 10  
[merz.martin@epa.gov](mailto:merz.martin@epa.gov)  
206-553-0205

Message

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**From:** Merz, Martin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=03939A84614842D2852CB6B7F26AA852-MERZ, MARTI]  
**Sent:** 2/5/2019 10:08:53 PM  
**To:** Wilson, Brian J CIV USARMY CENWS (US) [Brian.J.Wilson@usace.army.mil]; Wu, Jennifer [Wu.Jennifer@epa.gov]  
**CC:** Grip, Marshall A CIV USARMY CENWS (US) [Marshall.A.Grip@usace.army.mil]  
**Subject:** RE: Chief Joe NPDES permit contact

Hi Brian and Marshall,

Sounds good! I'm going to include Jenny for this first meeting since she might have helpful input upfront as we get the ball rolling.

We're available:  
Thursday or Friday morning (2/7 & 2/8) before noon.  
Monday 2/11 anytime  
Tuesday 2/12 after 1  
Friday 2/15 before noon  
Monday 2/18 before 11 or after 12.

Let us know what works on your end, or feel free to suggest other times.

Best,

Martin Merz  
Physical Scientist - EPA Region 10  
merz.martin@epa.gov  
206-553-0205

-----Original Message-----

From: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>  
Sent: Tuesday, February 5, 2019 8:12 AM  
To: Merz, Martin <merz.martin@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>  
Cc: Grip, Marshall A CIV USARMY CENWS (US) <Marshall.A.Grip@usace.army.mil>  
Subject: RE: Chief Joe NPDES permit contact

Thank you Martin. We look forward to working with you as well. I've cc'd our Chief Joseph dam Project ECC (Marshall Grip) as he will also be a main POC as we move through this application process.

We initiated our internal PDT meeting yesterday and have a solid path forward. However, there are a few questions we have requiring your input. I'd like to set up a meeting with you in the next couple weeks to discuss further. Please advise as to your availability and I'll set something up for a teleconference.

-Brian

-----Original Message-----

From: Merz, Martin [mailto:merz.martin@epa.gov]  
Sent: Monday, February 4, 2019 17:16  
To: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>; Wu, Jennifer <Wu.Jennifer@epa.gov>  
Subject: [Non-DoD Source] RE: Chief Joe NPDES permit contact

Hi Brian,

Sounds great! I look forward to working with you on this project.

Best,

Martin Merz  
Physical Scientist - EPA Region 10  
merz.martin@epa.gov  
206-553-0205

-----Original Message-----

From: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>  
Sent: Monday, February 4, 2019 7:18 AM  
To: Wu, Jennifer <Wu.Jennifer@epa.gov>  
Cc: Merz, Martin <merz.martin@epa.gov>  
Subject: RE: Chief Joe NPDES permit contact

Thanks Jenny. I'll continue coordinating with Martin as we move forward with the permit process.

-Brian

-----Original Message-----

From: Wu, Jennifer [mailto:Wu.Jennifer@epa.gov]

Sent: Thursday, January 31, 2019 13:45

To: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>

Cc: Merz, Martin <merz.martin@epa.gov>

Subject: [Non-DoD Source] Chief Joe NPDES permit contact

Hi Brian, I just wanted to let you know that Martin Merz, cc:ed above, is going to be the NPDES permit writer for the Chief Joseph dam, so he'll be your contact. He was in the Corps office when we met, and he and I are working together on the NPDES permits for the other Corps dams and Grand Coulee.

Jenny Wu

Environmental Engineer, NPDES Permits Unit

EPA Region 10

1200 6th Avenue, Suite 155 (OWW-191)

Seattle, WA 98101

206-553-6328



Message

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**From:** Merz, Martin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=03939A84614842D2852CB6B7F26AA852-MERZ, MARTI]  
**Sent:** 2/5/2019 9:34:08 PM  
**To:** Wu, Jennifer [Wu.Jennifer@epa.gov]  
**CC:** Clayton, Alexandra L. [clayton.alexandra@epa.gov]  
**Subject:** FW: ESA work done on BE  
**Attachments:** 2.5.WA\_Hydro\_BE\_LowerColumbiaLowerSnake .docx

Hi Jenny,

Per our discussion, here's the BE Alex has been working on (Thanks Alex!!). I highlighted Alex's quick description of the big picture issue I just mentioned to you.

Alex – Jenny is going to spend some time looking through her analyses and other parts of the BE, then send it off to Jamey Stoddard for him to review. Then John will review and we'll send it off to the Services and initiate discussions with them.

Best,

Martin Merz  
Physical Scientist – EPA Region 10  
[merz.martin@epa.gov](mailto:merz.martin@epa.gov)  
206-553-0205

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**From:** Clayton, Alexandra L.  
**Sent:** Tuesday, February 5, 2019 11:00 AM  
**To:** Merz, Martin <[merz.martin@epa.gov](mailto:merz.martin@epa.gov)>  
**Subject:** ESA work done on BE

Hi,

Attached is the most updated form of the BE. The ESA section (pg. 41-79) is done (including all references), though there are a couple notes sprinkled throughout that pertain to a bit of what we talked about yesterday i.e. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I assume John should take a look at that and make a final decision.

Let me know if any parts need clarification or updating!

-Alex

Alex Clayton  
ORISE Participant  
ORISE Internship/Research Participation Program at EPA  
Office of Water and Watersheds  
U.S. Environmental Protection Agency, Region 10  
Phone Number: (206) 553-2725  
[clayton.alexandra@epa.gov](mailto:clayton.alexandra@epa.gov)

Message

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**From:** Merz, Martin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=03939A84614842D2852CB6B7F26AA852-MERZ, MARTI]  
**Sent:** 2/5/2019 1:15:30 AM  
**To:** Wilson, Brian J CIV USARMY CENWS (US) [Brian.J.Wilson@usace.army.mil]; Wu, Jennifer [Wu.Jennifer@epa.gov]  
**Subject:** RE: Chief Joe NPDES permit contact

Hi Brian,

Sounds great! I look forward to working with you on this project.

Best,

Martin Merz  
Physical Scientist - EPA Region 10  
merz.martin@epa.gov  
206-553-0205

-----Original Message-----

From: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>  
Sent: Monday, February 4, 2019 7:18 AM  
To: Wu, Jennifer <Wu.Jennifer@epa.gov>  
Cc: Merz, Martin <merz.martin@epa.gov>  
Subject: RE: Chief Joe NPDES permit contact

Thanks Jenny. I'll continue coordinating with Martin as we move forward with the permit process.

-Brian

-----Original Message-----

From: Wu, Jennifer [mailto:Wu.Jennifer@epa.gov]  
Sent: Thursday, January 31, 2019 13:45  
To: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>  
Cc: Merz, Martin <merz.martin@epa.gov>  
Subject: [Non-DoD Source] Chief Joe NPDES permit contact

Hi Brian, I just wanted to let you know that Martin Merz, cc:ed above, is going to be the NPDES permit writer for the Chief Joseph dam, so he'll be your contact. He was in the Corps office when we met, and he and I are working together on the NPDES permits for the other Corps dams and Grand Coulee.

Jenny Wu

Environmental Engineer, NPDES Permits Unit

EPA Region 10

1200 6th Avenue, Suite 155 (OWW-191)

Seattle, WA 98101

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